

October 6, 1999

OLYMPIA, WASHINGTON

ISSUE 99-19



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This issue contains documents officially  
filed not later than September 22, 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 of October 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

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following 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;

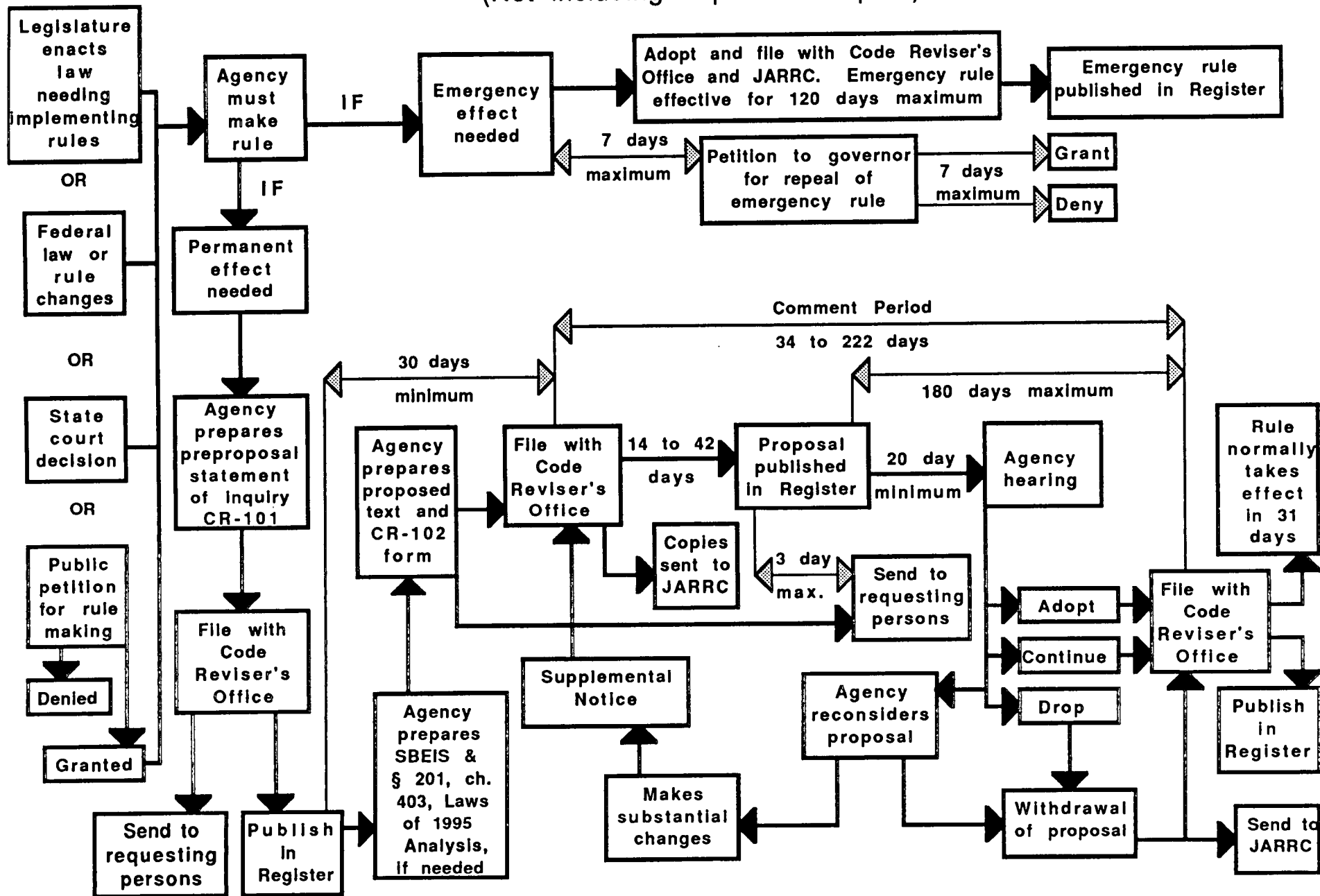
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 99-19-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 7, 1999, 2:37 p.m.]

Subject of Possible Rule Making: 2000 buy back program.

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: The department expects there to be funds available for a salmon license buy back program to reduce the take of threatened and endangered salmon ESUs. Administration of this program will require rules and standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Marine Fisheries Service. The department will coordinate with NMFS through advance rule planning, review of all proposals, attendance at any public meetings or hearings, and review of public comments prior to adoption of the rules.

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 Brian Edie, Special Projects Manager, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2704, by January 19, 2000, expected proposal filing February 16, 2000.

September 7, 1999  
 Evan Jacoby  
 Rules Coordinator

**WSR 99-19-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed September 8, 1999, 2:26 p.m.]

Subject of Possible Rule Making: Amendments to chapter 246-215 WAC, Food service, requiring notification to consumers when unpasteurized juices are offered for sale or service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Several foodborne illness outbreaks associated with unpasteurized juices have prompted the State Board of Health to consider rules requiring notification to consumers when unpasteurized juice is being served at retail food establishments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Food and Drug Administration and the Washington State Department of Agriculture require warning labels on packaged unpasteurized juices. The Department of Health will seek input from both of these agencies during the course of rule development.

Process for Developing New Rule: The Department of Health will seek input from interested parties through public meetings and mailings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Gifford, Office of Food Safety and Shellfish Programs, P.O. Box 47824, Olympia, WA 98507-7824, (360) 236-3074, fax (360) 236-2257, Internet address dwg0303@doh.wa.gov.

September 3, 1999  
 Jim Robertson  
 Executive Director

**WSR 99-19-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 10, 1999, 4:47 p.m.]

Subject of Possible Rule Making: Salmon license buy-back program.

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: The department expects to receive federal funds as part of the United States-Canada settlement, which funds will be used to retire salmon licenses to reduce harvest potential. Additional state funding may be available to offer relief outside of Puget Sound.

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 Bruce Crawford, License Division Manager, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2453, by November 16, 1999, expected proposal filing January 5, 2000.

September 10, 1999  
 Evan Jacoby  
 Rules Coordinator

**WSR 99-19-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed September 13, 1999, 2:36 a.m.]

Subject of Possible Rule Making: WAC 388-444-0015 Clients not required to register for work or participate in FS E&T, WAC 388-444-0035 Clients exempt from ABAWD provisions, WAC 388-444-0055 FS E&T Disqualifications, WAC 388-444-0065 Quitting a job, and WAC 388-444-0075

Disqualifications for quitting a job without good cause, and any related or new rules on the same subject.

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: WAC 388-444-0055 FS E&T Disqualifications, WAC 388-444-0065 Quitting a job, and WAC 388-444-0075 Disqualifications for quitting a job without good cause, have some exemptions that have exceptions. These exceptions need to be defined. WAC 388-444-0015 Client not required to register for work or participate and WAC 388-444-0035 Clients who are exempt from ABAWD provisions, needs to have the same language definition for students enrolled in any recognized school.

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 will send the draft for review to client advocates, field personnel who implement the policy, budget staff and the Attorney General's Office. The department invites the interested public to review and provide input on the draft language of the WAC. Draft material and information about how to participate are available by contacting the department.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Monahan, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3250, fax (360) 413-3493, e-mail monahmf@dshs.wa.gov.

September 9, 1999  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 99-19-052**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed September 14, 1999, 2:38 p.m.]

Subject of Possible Rule Making: Gambling service supplier rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify that persons providing assembly of components for gambling equipment under a contract with a licensed manufacturer are a gambling service supplier.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland,

Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 14 and 15, 1999; at the Port Ludlow Conference Center, 9483 Oak Bay Road, Port Ludlow, WA, (360) 437-2222, on December 2 and 3, 1999; and at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on January 13 and 14, 2000.

September 13, 1999  
Susan Arland  
Rules Coordinator

**WSR 99-19-053**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed September 14, 1999, 2:39 p.m.]

Subject of Possible Rule Making: License fee increases per I-601.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensing fees need to be adjusted to reflect cost of regulating charitable/nonprofits, commercial establishments, and individuals.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 14 and 15, 1999; at the Port Ludlow Conference Center, 9483 Oak Bay Road, Port Ludlow, WA, (360) 437-2222, on December 2 and 3, 1999; and at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on January 13 and 14, 2000.

September 13, 1999  
Susan Arland  
Rules Coordinator

**WSR 99-19-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE**  
**FACILITIES AUTHORITY**

[Filed September 14, 1999, 4:13 p.m.]

Subject of Possible Rule Making: Rules simplification.  
 Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: Chapter 70.37 RCW.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Rules to be amended and  
 simplified as per governor's regulatory reform efforts.

Other Federal and State Agencies that Regulate this Sub-  
 ject and the Process Coordinating the Rule with These Agen-  
 cies: None.

Process for Developing New Rule: Agency study; and  
 regulatory reform.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before pub-  
 lication. Comments should be directed to John Van Gorkum,  
 Executive Director, Washington Health Care Facilities  
 Authority, P.O. Box 40935, Olympia, WA 98504-0935.

September 2, 1999

John Van Gorkum  
 Executive Director

**WSR 99-19-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:15 a.m.]

Subject of Possible Rule Making: Requirements for  
 election of unemployment insurance coverage.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 50.01.010, 50.04.165, and 50.24.160.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: This is a revised rule created  
 due to the examination of existing policies and procedures in  
 accordance with Governor Locke's Executive Order 97-02.  
 This rule was written in order to take an existing rule of the  
 UI Tax Administration's Status Program and develop a rule  
 incorporating two new sections to handle disapproval and  
 cancellation of voluntary election coverage of unemployment  
 insurance in order to preserve the integrity of the UI Trust  
 Fund. These new sections significantly tighten the regulation  
 to prohibit and/or discourage possible cases that could dam-  
 age the Trust Fund.

Other Federal and State Agencies that Regulate this Sub-  
 ject and the Process Coordinating the Rule with These Agen-  
 cies: None that are known at this time for state agencies, the  
 federal Department of Labor has regulations in this area.

Process for Developing New Rule: Informal meetings  
 with stakeholders and interested parties.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before pub-  
 lication by contacting George Mante, UI Tax Regulatory  
 Reform Coordinator, UI Tax Administration, Employment

Security Department, P.O. Box 9046, Olympia, WA 98507-  
 9046, fax (360) 902-9556.

September 14, 1999  
 Carver Gayton  
 Commissioner

**Chapter 192-300-WAC**

NEW SECTION

**WAC 192-300-170 Requirements for election of  
 unemployment insurance coverage.** The department has to  
 make timely and accurate employer liability determinations  
 and unemployment insurance payments. It is under RCW  
 50.04.165 and RCW 50.24.160 that we establish the election  
 of coverage for unemployment insurance by employers  
 where personal services are not considered employment:

(1) RCW 50.24.160 allows any business to file a request  
 for election of unemployment insurance coverage for per-  
 sonal services not covered as employment.

(a) the request must be in writing to the department;

(b) the department must approve the request for election  
 of coverage in writing; and

(c) the request must be signed by someone legally autho-  
 rized to bind the business.

(2) RCW 50.04.165 allows a corporate employer to elect  
 to cover the personal services of its' corporate officers for  
 unemployment insurance coverage:

(a) a corporate employer must submit a written request  
 for voluntary coverage signed by a person authorized to  
 legally bind the corporation. The department must receive  
 this request no later than thirty days prior to the end of the  
 quarter in which the change is to begin;

(b) corporate officer is defined in RCW 23A.08.470;

(c) corporate officers appointed under RCW 23.B.-  
 08.400, other than those covered by Chapter 50.44, are not  
 considered services in employment unless the corporation  
 elects coverage of all its corporate officers under RCW  
 50.04.165;

(d) all services of corporate officers are considered  
 exempt until the effective date of approval of election of cov-  
 erage by the department; and

(e) corporate officers are exempt under RCW 50.04.165  
 only if the employer has notified them in writing that they are  
 ineligible for unemployment insurance benefits, The exemp-  
 tion becomes effective with the date of the written notice.  
 The written notice must:

(2)(e)(i) have the name(s) of the officer(s) who is/are  
 being exempted;

(ii) have the effective date of the exemption;

(iii) have a signature of the officer(s) acknowledging  
 receipt of the request;

(iv) be kept on file by the corporation; and

(v) be available for review by any department official  
 upon request.

(3) If an agricultural corporate employer voluntarily cov-  
 ers its officers, the wages or salaries paid for such services  
 will be used to determine the employer liability of the agri-  
 cultural employer. Wages or salaries paid for service of cor-

porate officers exempt under RCW 50.04.165 will not be used to determine liability of agricultural employers.

(4) All changes in elected coverage remain in effect for at least two calendar years. The business may terminate coverage only at the end of a calendar year. A written request by the employer must be sent to the department by January 15th following the end of the last calendar year of desired coverage.

(5) The department reserves the right to disapprove an election for unemployment insurance coverage due to:

(a) the applicant being non-liable for federal unemployment taxes (FUTA); or

(b) the seasonal nature of the occupation or industry.

(6) The department reserves the right to cancel unemployment insurance coverage for a voluntary election employer because:

(a) of nonpayment of unemployment insurance taxes, and/or failure to file an unemployment insurance tax/wage report; or (b) of misrepresentation of facts; or

(c) coverage is not used for involuntary unemployment as outlined in RCW 50.01.010.

**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.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-025.

#### **WSR 99-19-067**

##### **PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:16 a.m.]

**Subject of Possible Rule Making:** Owners of entities are not covered for unemployment insurance purposes.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 50.04.090 and 50.04.100.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This is a current policy of the UI Division's UI Tax Administration Branch that is being converted to a rule in accordance with Governor Locke's Executive Order 97-02. It assists in the protection of the integrity of the UI Trust Fund and informs owners of select businesses and business entities that they are ineligible for unemployment insurance.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Labor and Industries and the federal Department of Labor have regulations in this area.

**Process for Developing New Rule:** Informal meetings with stakeholders and interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Mante, UI Tax Regulatory Reform Coordinator, UI Tax Administration, Employment

Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9556.

September 14, 1999

Carver Gayton

Commissioner

#### **Chapter 192-300-WAC**

#### NEW SECTION

**WAC 192-300-190 Owners of entities are not covered for unemployment insurance purposes.** The owners of a business as identified in RCW 50.04.090 include business entities such as limited liability companies, limited liability partnerships, etc. There is no employer-employee relationship in the services provided to the business by the owners, as defined in RCW 50.04.100. Therefore owners are not covered for unemployment insurance purposes.

#### **WSR 99-19-068**

##### **PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:18 a.m.]

**Subject of Possible Rule Making:** Adjustments and refunds, reduction of refund if wages reported in error.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 50.24.150.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This is a current policy of the UI Division's UI Tax Administration Branch that is being converted to a rule in accordance with Governor Locke's Executive Order 97-02. It assists in the protection of the integrity of the UI Trust Fund so paid out benefits offset any potential refunds to employers where there is a benefit claim.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None that are known at this time for state agencies, the federal Department of Labor has regulations in this area.

**Process for Developing New Rule:** Informal meetings with stakeholders and interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Mante, UI Tax Regulatory Reform Coordinator, UI Tax Administration, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9556.

September 14, 1999

Carver Gayton

Commissioner

#### **192-330-WAC**

#### NEW SECTION

**WAC 192-330-100 Adjustments and refunds—Reduction of refund if wages reported in error.** (Relating

to RCW 50.24.150). An employer may file a written request for refund of, or adjustment to, contributions, interest, or penalties within three years of the date they were paid. The Commissioner may also make refunds on adjustments using his/her own initiative.

When the wages of an employee have been reported in error and the department has paid a claimant benefits based on those wages, any request for refund of the tax will be offset by the amount of benefits paid. If there is any refund of taxes due the employer, it will be reduced by the amount of benefits paid against the claim(s) and any associated wages.

### WSR 99-19-069

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed September 16, 1999, 10:19 a.m.]

**Subject of Possible Rule Making:** Field audit expansion. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.070.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This is a new rule created due to the review of existing policies and procedures in accordance with Governor Locke's Executive Order 97-02. This rule was written in order to take an existing policy of the UI Tax Administration's Audit Program and develop a rule. The rule describes the audit expansion requirements of the department. The rule informs the general public of these audit expansion requirements followed by the department.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Labor and Industries, the Department of Revenue and the Department of Licensing have similar programs.

**Process for Developing New Rule:** Informal meetings with stakeholders and interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Mante, UI Tax Regulatory Reform Coordinator, UI Tax Administration, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9556.

September 14, 1999

Carver Gayton  
Commissioner

### Chapter 192-340-010

#### NEW SECTION

**WAC 192-340-010 Field audit expansion.** The department's audit expansion requirements are as follows:

(1) If underreported or overreported wages for employees originally reported and/or new workers are discovered in the audit year, the department may expand to subsequent year(s). Subsequent year(s) and/or quarter(s) means up to the most recently completed calendar quarters where the tax and wages are reported.

(2) When the department feels there are facts that indicate that the employer has made a conscious effort to avoid taxation. The audit period may be expanded within statutory limitations.

(3) In the post audit interview, it is the responsibility of the department to ensure that audit exceptions are discussed and future reporting requirements are understood by the entity being audited.

### WSR 99-19-086

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. U-991301—Filed September 17, 1999, 1:14 p.m.]

**Subject of Possible Rule Making:** Comprehensive review of rules relating to tariffs filed with the commission by regulated utility companies. The commission will review the current rules for content and readability pursuant to Executive Order 97-02, with attention given to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. The effect on rules of legislation, technological changes, emerging competition, and changes in market structure will also be considered. All rules currently codified in chapter 480-80 WAC, as well as tariff-related rules codified in other chapters, may be affected. The commission may consider whether additional rules on this topic may be required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040 and 80.04.160.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they are originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, 1300 Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

**WRITTEN COMMENTS:** Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission's secretary, referencing Docket No. U-991301, not later than **October 18, 1999**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not

require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. The commission will provide written notice of any workshop to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

**SCHEDULE OF RULE MAKING:** In order to coordinate best with industry-specific rule-making proceedings, the commission asks commenters to focus initially on the rules that are currently in chapter 480-80 WAC that they believe should be in the regulated industry chapters, and on those rules that are in the regulated industry chapters that should be in chapter 480-80 WAC. Please identify any rules that you think should be moved, state your reasons for saying so, and offer any other comments about those rules that you care to make.

These comments are due no later than October 18, 1999. While the commission will first address only those rules proposed to be moved, you are not limited to commenting on those rules. The commission will accept comments on any aspect of utility tariff regulation and will eventually consider such comments in this docket or the related industry docket. The commission expects to schedule a workshop to discuss with stakeholders the first-phase written comments.

The second stage of this rule making will occur during the year 2000. At that time, additional written comments will be solicited on the remaining rules and the commission expects that a stakeholder workshop will be scheduled.

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** —The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. U-991301, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. U-991301, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <<http://www.wutc.wa.gov/>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

September 17, 1999

Terrence Stapleton  
for Carole Washburn  
Secretary

#### WSR 99-19-088

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed September 17, 1999, 2:02 p.m.]

Subject of Possible Rule Making: WAC 388-86-04001 Hearing aids.

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: This rule is being rewritten for two reasons: (1) To make the rule clearer and more readable in compliance with the Governor's Executive Order 97-02, and (2) to add coverage for hearing aid enhancement for children.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health (state agency) will be invited to participate in rule-development meetings and reviewing and commenting on drafts of the rule before it is proposed.

Process for Developing New Rule: The Medical Assistance Administration (MAA) invites the interested public to review and provide input on the draft language of the rule. They will be furnished copies of all materials drafted during this process for their review, input, and comments. Interested parties should contact the MAA representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To have your name added to the list of interested parties to receive mailings and meeting announcements, contact Kevin Sullivan, Regulatory Improvement Coordinator, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 586-2089, fax (360) 753-7315, TTY (800) 848-5429, e-mail [sullikm@dshs.wa.gov](mailto:sullikm@dshs.wa.gov).

September 15, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 99-19-089

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Adult Services Administration)

[Filed September 17, 1999, 2:04 p.m.]

Subject of Possible Rule Making: Repeal of WAC 388-15-120 Adult protective services, and adoption of WAC 388-71-100 - 388-71-199 Adult protective services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.34 RCW as amended by SHB 1620, Section 18, chapter 176, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Regulatory reform, (2) chapter 74.34 RCW was changed as a result of the passage of HB 1620 and HB 1880 during the 1999 legislative session.



Chapter 74.34 RCW was reorganized, rewritten, and consolidated with portions of chapter 26.44 RCW which specifically related to vulnerable adults and chapter 70.124 RCW which specifically related to residents in nursing homes. The changes are reflected in new definitions for a vulnerable adult, abuse, neglect, and financial exploitation, reporting requirements for mandated reporters, department investigative responsibilities, and provision of protective services. This rule will assist professionals required to report mistreatment of vulnerable adults, other individuals wanting to report mistreatment of vulnerable adults, and department staff in responding to reports and providing protective services for vulnerable adults.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject.

Process for Developing New Rule: Aging and Adult Services Administration welcomes and encourages comments from the public during the rule development process. An informal meeting will be held to allow for feedback and comments from other agencies and interested stakeholders. After the rule is drafted, a copy will be filed with the Office of the Code Reviser with a notice of proposed rule making, and a copy will be sent to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melanie Johnson, APS Program Manager, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, (360) 407-0354, fax (360) 438-8633, e-mail Johnsmc2@DSHS.wa.gov.

September 16, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 99-19-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed September 20, 1999, 11:30 a.m.]

Subject of Possible Rule Making: Regulations on accessibility of polling places.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.57.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To conform with changes to state and federal law.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charlotte Ottavelli, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-5156, fax (360) 586-5629.

September 20, 1999

Donald F. Whiting  
Assistant Secretary of State

**WSR 99-19-102**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**

[Filed September 20, 1999, 12:01 p.m.]

Subject of Possible Rule Making: WAC 132X-10-010 through 132X-10-110, Public records; WAC 132X-30-040 Scheduling; WAC 132X-40-020 Responsible officer; WAC 132X-50-020 through 132X-50-280, Parking and traffic regulations; WAC 132X-60-010 through 132X-60-178, Code of student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Designates enforcement and authority of campus security; broadens description of parking penalties. Clarifies, broadens and adds details to definitions; updates title changes; and general housekeeping changes.

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

September 15, 1999

Kenneth J. Minnaert  
College President

**WSR 99-19-120**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed September 21, 1999, 11:44 a.m.]

Subject of Possible Rule Making: WAC 180-51-075 Social studies requirement—Mandatory courses—Equivalencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.170, 28A.230.060, and 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow military dependent secondary school students who have completed and passed a course of study in a state history and government from without the state to have their principal waive the Washington state history and government requirement. Clean up other language to conform with law.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

September 20, 1999

Larry Davis

Executive Director

### WSR 99-19-122

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 99-23—Filed September 21, 1999, 1:26 p.m.]

**Subject of Possible Rule Making:** The Department of Ecology is interested in developing new or enhanced measures to improve the safety of marine transportation, and response to vessel emergencies and oil spills, for Washington waters in the Strait of Juan de Fuca and Northern Puget Sound. Measures under consideration are those within the state's authority to implement and include:

1. An emergency response system for the Strait of Juan de Fuca and Washington's Pacific Coast including a dedicated emergency towing vessel;

2. Extending Washington's tug escort requirement for tank ships from just east of Port Angeles to the entrance to the Strait of Juan de Fuca;

3. Working with Washington marine terminals to develop a "Green Award" for ships and/or operating companies that demonstrate an actual and organizational commitment to safe and environmentally sound vessel operations;

4. Working with the United States Coast Guard to implement a national and state "near-miss" reporting and data-sharing program so we may better identify hazardous conditions and measures to mitigate the hazards;

5. Requiring all vessels 300 gross tons or more to have emergency towing packages to facilitate emergency towing response when a vessel is disabled and/or without power;

6. Requiring preventive booming of all refueling and cargo operations in environmentally sensitive areas;

7. Requiring an oil spill response vessel capable of open ocean operations to be stationed at the entrance to the Strait of Juan de Fuca;

8. Evaluating local salvage capabilities to respond to a major incident affecting Washington waters and whether enhancements are required of current oil spill contingency strategies and preparation; and

9. Reviewing best achievable protection standards for tank vessel oil spill prevention plans to provide the best protection of Washington's environments from any tank vessel that enters or operates in Washington waters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.211.030 Rule-making authority, 90.56.050 Rule-making authority—Reporting, response equipment and standards, planning standards, chemical response, disposal, 88.46.040 Tank vessel oil spill prevention plans, 88.46.060 Vessel oil spill contingency plans, 88.46.120 Tank vessel response equipment standards, 88.46.130 Emergency response system for the Strait of Juan de Fuca, and 88.46.160 Standards for availability and deployment of response equipment during bunkering and lightering operations.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Washington waters in the Strait of Juan de Fuca and North Puget Sound are the primary marine conduit for crude oil and refined petroleum products, and provide Washington and British Columbia ports with access to world markets. The waters of the Strait and North Puget Sound are also significant recreational resources that attract boaters, fishers, and tourists from around the world. Increased use of these waters heightens the awareness that they are ecologically sensitive, culturally significant, and subject to severe weather, high seas and heavy fog.

Marine transportation safety and the risk of a catastrophic oil spill are affected by factors unique to these waters. These factors may be categorized as follows:

*Risk of Major Spills* - The waters are well known for seasonal heavy fog and bad weather, with significant traffic congestion at the entrance to the Strait of Juan De Fuca compounded by "crossing traffic" primarily from commercial and recreational fishing vessels. The Coast Guard's 1997 Volpe Transportation Center study identified collisions and drift groundings at the entrance to the strait and collisions and powered groundings in the San Juan Islands as the greatest threats to those areas.

*Environmental Values and Sensitivity to Oiling* - The Northern outer coast and the San Juan Islands contain the most valuable natural resources and some of the most environmentally sensitive areas in Washington's marine waters. The transportation corridor is the state's primary habitat for killer whales, sea otters and other marine mammals, and a major migration route for threatened salmon populations. The North Puget Sound area contains a national park, a national marine sanctuary, national marine refuges, other areas with special protection and extensive tribal lands.

*Economic, Cultural and Quality-of-Life Values* - The area is important to the region's quality of life. Important quality of life factors include: (A) A 3,500-year history of tribal subsistence harvesting; (B) Pacific Rim shipping; (C) commercial and recreational fishing; (D) crude oil and petroleum product transportation; (E) high private waterfront property values; (F) tourism and other recreational values; and (G) commercial aquaculture.

*Spill Response* - While Washington state enjoys a world class oil spill response system, Washington's coast and entrance to the strait are highly vulnerable. Primary caches of response equipment in the Central Puget Sound basin make response to oil spills along the coast and in the strait logistically difficult. Further, these waters are subject to seasonal heavy seas and poor weather, which reduce the effectiveness of open-water oil recovery equipment.

In 1991, when the legislature passed the Oil Spill Prevention and Response Act, the focus was prevention of oil spills through improvement of marine transportation safety. Through planning and vessel inspection programs, ecology currently is working to accomplish this legislative mandate. Tank vessels are required to demonstrate policies, procedures and practices that provide the best achievable protection of Washington waters; cargo and fishing vessels are screened and inspected to identify those vessels that pose a substantial risk of harm to the public health and safety, and the environ-

ment; and marine accidents and near misses are investigated to identify potential hazards and lessons learned to be shared with the maritime community.

Prevention is backed by well-planned response strategies and strategic location of necessary clean up and containment equipment and personnel. Ecology has developed, in cooperation with the United States Coast Guard, Washington tribes, and affected industry, geographic response plans for all Washington waters at risk of an oil catastrophic oil spill. Necessary equipment and personnel are identified based on the strategies and the particular risk posed.

Ecology has also collected data from vessel reports of accidents, near misses, and oil spills. A review of this data indicates that further measures are required.

*Vessel Casualties:* Collisions, groundings, fires, explosions, flooding, losses of power, propulsion or steering, equipment failures, or structural failures or damage are all casualties that must [be] reported to ecology. In the past decade, at least ninety separate incidents occurred in Washington waters in the strait and North Puget Sound producing approximately one hundred five vessel casualties. These incidents involved all types of commercial ships - tankers, bulk carriers, container ships, fishing vessels, barges and ferries. The one hundred five reported casualties include twenty-eight losses of propulsion, twenty-three equipment failures, fifteen collisions with another vessel or stationary object, nine losses of steering, eight structural failures or damage, five losses of power, five groundings, four material failures, three fires, two floodings and two explosions.

*Near Misses:* A situation that requires a vessel to employ nonroutine means to avoid a collision, grounding, oil spill or similar result, is a near miss. The collection and analysis of near miss information has been a goal in Washington waters since 1982 and is recognized as a key indicator of breakdowns or trouble spots within the marine transportation system. Yet it is difficult to create a reporting system comfortable enough for its users. Ecology has received approximately twenty near miss reports in the past decade for the strait and North Puget Sound. Many of these reports involved close aboard situations between commercial ships, and between commercial ships and recreational boaters.

*Oil Spills:* Nothing as large as the 1991 Tenyo Maru oil spill has occurred in [the] past decade in the strait or North Puget Sound, yet ecology has recorded at least forty-five separate vessel spills in these waters which spilled nearly 29,000 gallons of oil. The forty-five spills occurred during the following vessel operations: Discharging or loading cargo (20), unknown (9), bunkering or refueling (7), while the vessel was underway (4), ballasting (2), pumping bilges (1), cleaning oil tanks (1), and transferring oil internally (1).

Recent events also support an inquiry into new or improved marine safety measures. The grounding of the "New Carrissa" on the Oregon coast last January placed Washington on alert. The potential of a catastrophic oil spill along the west coast disappeared only after the ship was towed out to sea and sunk. March and April of last year, the Navy stationed a rescue tug near the entrance to the strait. The tug responded to two incidents: A tank barge set adrift off Washington's coast, and a commercial fishing vessel that

ran out fuel at the entrance to the strait. Finally, in the past two winters at least five vessels lost power and drifted to within yards of shoals or rocky shores before regaining power or anchoring.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Coast Guard.

Process for Developing New Rule: Solicitation of written comments, sponsorship of issue-directed work groups, and participation in the North Puget Sound Risk Assessment project cochaired by the United States Coast Guard and the state of Washington.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Fishel, Stan Norman or Jon Neel, Department of Ecology, Spill Prevention, Preparedness, and Response Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7455, jfis461@ecy.wa.gov.

September 21, 1999

Stan Norman

for Joe Stohr

Program Manager

#### WSR 99-19-126

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### RETIREMENT SYSTEMS

[Filed September 21, 1999, 1:33 p.m.]

Subject of Possible Rule Making: Management and administration of school employees' retirement system (SERS) which goes into effect September 1, 2000.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 41.35 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 41.35.020 the Department of Retirement Systems is authorized to promulgate rules necessary to manage and administer SERS.

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 did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rule will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees who will become members of the system, their employers and representatives. We will also make copies of the draft rules available to any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Deam, School Employees' Retirement System, (360) 664-7265, or Elyette M. Weinstein, Rules Coordinator, (360) 664-7307, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380,

P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 753-3166.

September 21, 1999  
Elyette M. Weinstein  
Rules Coordinator

**WSR 99-19-127**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed September 21, 1999, 1:34 p.m.]

Subject of Possible Rule Making: Amend TRS and PERS rules to comply with new statutes and Executive Order 97-02. Revise WAC 415-112-540, 415-112-545, 415-108-710, 415-108-720 and 415-113-070, to conform to legislation passed in 1997 and 1999 regarding post retirement employment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend rules to:

- Comply with RCW 41.32.010, 41.32.802, 41.32.-862, 41.32.831 et seq., 41.40.010, 41.40.023 (4) (12), 41.40.037, passed after rules were adopted.
- Conform to clear rule writing principles.

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

Process for Developing New Rule: Because the department already has existing rules on this subject in place, the department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rules will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees, their representatives and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Bryant, PERS Plan Administrator, (360) 664-7193, Margaret Wimmer, TRS Plan Administrator, (360) 664-7044, Elyette M. Weinstein, Rules Coordinator, phone (360) 664-7307, Legal/Legislative Affairs, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 664-3618.

September 20, 1999  
Elyette M. Weinstein  
Rules Coordinator

**WSR 99-19-128**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed September 21, 1999, 1:34 p.m.]

Subject of Possible Rule Making: Amend general provisions rules, chapter 415-02 WAC, to comply with new statutes and Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend rules to:

- Comply with RCW 41.50.065, 41.50.137 passed after rules were adopted.
- Conform to clear rule writing principles.

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

Process for Developing New Rule: Because the department already has existing rules on this subject in place, the department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rules will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees, their representatives and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Bryant, PERS Plan Administrator, (360) 664-7193, Margaret Wimmer, TRS Plan Administrator, (360) 664-7044, Elyette M. Weinstein, Rules Coordinator, phone (360) 664-7307, Legal/Legislative Affairs, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 664-3618.

September 20, 1999  
Elyette M. Weinstein  
Rules Coordinator

**WSR 99-19-133**

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

[Filed September 21, 1999, 3:44 p.m.]

Subject of Possible Rule Making: Hydraulic code rules (chapter 220-110 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 75.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) The Washington State Department of Fish and Wildlife is proposing to develop a habitat conservation plan in order to comply with the Endangered Species Act. Review of the existing hydraulic code rules will be completed as part of that project. The 1997 and 1998 legislatures passed modifications to chapter 75.20 RCW. Existing rules must be modified to be consistent with that legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Ecology, Department of Natural Resources, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service all regulate activities which can impact fish life. All will be consulted throughout the rule development process.

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: Direct mailings, interactive web site, public meetings, work groups.

Agency contact: Gregory Hueckel, Acting Assistant Director, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2416, by October 3, 2000, expected proposal filing October 4, 2000.

September 21, 1999

Evan Jacoby

Rules Coordinator

**WSR 99-19-141**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed September 22, 1999, 8:13 a.m.]

Subject of Possible Rule Making: Chapter 314-40 WAC, rules applicable to private club liquor licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.400, 66.24.410, 66.24.440, 66.24.450, 66.24.452.

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 club liquor licenses.

Process for Developing New Rule: Input from retail licensees, 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 publication 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).

September 10, 1999

Eugene Prince

Chair

**WSR 99-19-142**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed September 22, 1999, 8:13 a.m.]

Subject of Possible Rule Making: Rules that are applicable to specific types of liquor licenses and permits: WAC

314-16-200 Minimum qualifications for issuance of a grocery store or beer and/or wine specialty shop license, 314-16-205 Minimum qualifications for issuance of a beer and wine gift delivery license, 314-16-240 Beer and/or wine specialty shop license, 314-16-250 Retail sale of malt liquor in kegs, 314-16-130 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license, chapter 314-18 WAC, Banquet permits, 314-38-010 Special permit to consume liquor on the premises for a business not licensed under Title 66 RCW, 314-38-040 Beverage alcohol raffle permit, 314-38-050 Class 4 permit, chapter 314-44 WAC, Agent's licenses, and 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.20.010, 66.20.020, 66.20.040, 66.20.060, 66.20.070, 66.20.080, 66.20.090, 66.20.100, 66.20.110, 66.20.120, 66.20.150, 66.24.310, 66.24.360, 66.24.371, 66.24.375, 66.24.380, 66.24.550, 66.28.200, 66.28.210, 66.28.220, 66.28.230, 66.28.090, 66.24.481, 66.28.240.

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 specific types of liquor licenses and permits.

Process for Developing New Rule: Input from retail licensees, 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 publication 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 99-19-143**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed September 22, 1999, 8:13 a.m.]

Subject of Possible Rule Making: Chapter 314-08 WAC, Practice and procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.022, 66.08.150, and chapter 34.05 RCW, Administrative Procedure Act.

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 agency's practice and procedure, such as

service of process, subpoenas, and depositions, petitions for declaratory rulings, and petitions for rule making.

Process for Developing New Rule: Input from retail licensees, 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 publication 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.

September 13, 1999

Eugene Prince  
Chair

### WSR 99-19-145

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed September 22, 1999, 8:29 a.m.]

Subject of Possible Rule Making: Amendment to chapter 468-70 WAC, Motorist information signs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.36 RCW, RCW 47.36.030, 47.36.310, and 47.36.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Majority of rules are house-keeping in nature. Rule also implements provisions of HB 1322, chapter 201, Laws of 1999, establishing fees to recover costs for the erection and maintenance of motorist information signs.

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 Toby D. Rickman, State Traffic Engineer, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7280, fax (360) 705-6826.

September 22, 1999

Gerald E. Smith  
Deputy Secretary, Operations

### WSR 99-19-155

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Commission Docket No. UE-991168—Filed September 22, 1999, 9:58 a.m.]

Subject of Possible Rule Making: The subject of this rule making is the reliability of the electric service and electric systems of investor-owned electric companies. Specifically, the commission will consider rules that address service

interruptions and power quality. Three existing rules will also be considered for changes: WAC 480-100-076 Service responsibilities, 480-100-186 Standard frequency, and 480-100-191 Standard voltage and permissible variation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing electric company reliability statistics are either so imprecise, unavailable or nonexistent, that the commission cannot say with confidence that past levels of reliability are being maintained. As the electric utility industry becomes more competitive, electric companies are facing increasing pressure to cut costs, and reliability investments are potential targets for cost-cutting measures. The commission, which is responsible for ensuring service is adequate, must have more reliable statistics to know whether reliability is increasing or decreasing.

Electric service customers' equipment has become increasingly sensitive to variations in power quality. Even if the quality of power is maintained at current levels, there likely will be an increase in power quality problems experienced by customers. This rule making will determine whether there should be changes in power quality standards or whether there are alternative ways to address this increasing problem.

These issues are discussed more completely in two reports prepared by the commission for the legislature: The "Washington State Electricity System Study" conducted in compliance with ESSB 6560, and the "Washington Electric Utility Service Quality, Reliability, Disclosure and Cost Report," conducted in compliance with E2SHB 2831. Both reports can be acquired from the commission at the address listed on the notice shown below. The 6560 report can also be found on the Internet at [www.energy.cted.wa.gov/6560](http://www.energy.cted.wa.gov/6560), and the 2831 report at [www.wutc.wa.gov/](http://www.wutc.wa.gov/).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state of Washington Department of Labor and Industries (L&I) enforces electric company compliance with the National Electrical Safety Code (NESC) as it relates to worker safety. Electric companies in Washington are required to design and build utility plant to this code. The commission has already apprized L&I of the rule making and will keep the agency informed, inviting comments.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments if substantial disagreements are reflected in the comments. The commission will schedule workshops involving representatives of affected constituencies in a manner designed to develop a common understanding of the issues, and seek the better options for addressing those issues.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

**WRITTEN COMMENTS:** Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UE-991168, not later than **October 13, 1999**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1 or later, labeled with the docket number of this proceeding and the commenter's name, the date, and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation.

**NOTICE OF WORKSHOP:** On September 22, 1999, the commission filed a CR-101 preproposal notice of inquiry and initiated rule making to address the reliability of the electric systems and electric service of investor-owned electric companies. Interested persons may attend the initial workshop scheduled to be held in the Commission's Hearing Room, Room 206, 1300 South Evergreen Park Drive S.W., Olympia, WA, on **Wednesday, October 13, 1999, beginning at 1:15 p.m.**

The commission will provide written notice so workshops to all commenters and to any other persons who specifically ask to receive notice in this rule-making proceeding.

Questions may be addressed to Mark Anderson by telephone at (360) 664-1311 or by e-mail at manderso@wutc.wa.gov.

**NOTICE: TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UE-991168, and the words "Please keep me on the mailing list;" or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UE-991168, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that information in the mailing will be accessible through the Commission's Internet web site at <http://www.wutc.wa.gov/>. **PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ABOUT THIS RULE MAKING.**

September 22, 1999  
Carole J. Washburn  
Secretary

**WSR 99-19-175**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed September 22, 1999, 11:19 a.m.]

**Subject of Possible Rule Making:** Chapter 352-32 WAC, Public use of state park areas, WAC 352-32-010 Definitions and 352-32-250 Standard fees charged.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 79A.05 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** State parks will consider adopting new fees which include by are not limited to: Day use vehicle parking permits, conference center facilities, moorage facilities, and aquatic facilities. The commission may suspend collection of any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks.

These rules are necessary to permit the agency to charge additional fees to support state park facilities and services.

**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. To request additional information or to comment in writing, contact Bill Gansberg, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8598, fax (360) 586-5875, e-mail billg@parks.wa.gov.

September 22, 1999

Jim French  
Senior Policy Advisor





**WSR 99-19-046****EXPEDITED REPEAL****EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 13, 1999, 11:41 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 192-32-040 Employment in the forest products industry, 192-32-045 Unlikely to return to employment, 192-32-055 Training program deadlines, 192-32-065 Training program application requirements, 192-32-075 Occupation in demand outside labor market, and 192-32-105 Interstate claims.

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

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

Address Your Objection to: Juanita Myers, UI Policy, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046.

Reason the Expedited Repeal of the Rule is Appropriate: The additional benefit period for workers in the forest products industry and finfishers, authorized by RCW 50.22.090, expired on July 1, 1999, and was not reauthorized by the legislature. No new claims for additional benefits can be accepted for weeks beginning after this date. The sections proposed for expedited repeal deal with eligibility for the additional benefits program and are no longer applicable. The remaining sections in chapter 192-32 WAC deal with individuals currently receiving additional benefits and are still needed for claimants who established eligibility for those benefits and enrolled in training prior to July 1, 1999.

August 30, 1999  
Carver Gayton  
Commissioner

**WSR 99-19-072****EXPEDITED REPEAL****EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:24 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 192-12-018 Definitions relating to musicians—Conditions for exemption of musicians and entertainers under chapter 50.04 RCW.

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

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

Address Your Objection to: George Mante, UI Tax Regulatory Reform Coordinator, Employment Security Department, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046.

Reason the Expedited Repeal of the Rule is Appropriate: Statutory authority as provided in chapter 50.04 RCW is sat-

isfactory to govern circumstances that may occasionally arise in this area of interpretation of tax laws for unemployment insurance purposes.

In accordance with the divisional review as prescribed under Governor Locke's Executive Order 97-02 this rule is redundant with the statute.

September 14, 1999  
Carver Gayton  
Commissioner

**WSR 99-19-073****EXPEDITED REPEAL****EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:25 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 192-12-043 Definition of student for tax purposes.

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

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

Address Your Objection to: George Mante, UI Tax Regulatory Reform Coordinator, Employment Security Department, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046.

Reason the Expedited Repeal of the Rule is Appropriate: Statutory authority as provided in chapter 50.04 RCW is satisfactory to govern circumstances that may occasionally arise in this area of interpretation of tax laws for unemployment insurance purposes.

In accordance with the divisional review as prescribed under Governor Locke's Executive Order 97-02 this rule is redundant with the statute.

September 14, 1999  
Carver Gayton  
Commissioner

**WSR 99-19-131****EXPEDITED REPEAL****DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 21, 1999, 3:38 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 220-20-055 and 232-12-191.

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: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091.

Reason the Expedited Repeal of the Rule is Appropriate: The 1998 and 1999 legislatures rewrote the Fish and Wildlife Enforcement Code, providing for mandatory license revocation periods and reinstatement. The department is adopting procedural rules to implement these changes, and the old procedure (WAC 232-12-191) and point system (WAC 220-20-055) are incompatible and inappropriate.

September 21, 1999

Evan Jacoby  
Rules Coordinator

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-20-055                      Commercial license conditions.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-12-191                      Suspension of licensing privileges—Reinstatement.

**WSR 99-19-148  
EXPEDITED REPEAL  
HIGHER EDUCATION  
COORDINATING BOARD**

[Filed September 22, 1999, 8:54 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-04-010, 250-04-020, 250-04-030, 250-04-040, 250-04-050, 250-04-060, 250-04-070, 250-04-080, 250-08-010, 250-08-020, 250-08-030, and 250-08-040.

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

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

Address Your Objection to: Karen Moton-Tate, Human Resources Manager, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430.

Reason the Expedited Repeal of the Rule is Appropriate: These rules are obsolete and no longer identify the agency's name, location, organization or responsibilities.

September 20, 1999

Belma Villa  
Executive Assistant  
Rules Coordinator

**WSR 99-19-166**

**EXPEDITED REPEAL**

**DEPARTMENT OF AGRICULTURE**

[Filed September 22, 1999, 10:59 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-144-090 Frozen yogurt, 16-144-100 Frozen lowfat yogurt, 16-144-110 Frozen nonfat yogurt, 16-144-120 Soft serve frozen yogurt mix, 16-144-130 Soft serve frozen lowfat yogurt mix, and 16-144-140 Soft serve frozen nonfat yogurt mix.

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: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860, fax (360) 902-2087.

Reason the Expedited Repeal of the Rule is Appropriate: These chapters are no longer necessary because the product labeling requirements in the federal regulations under Title 21 C.F.R. have been changed. These requirements now state that the ingredients used in frozen desserts including frozen yogurts must appear on the label. The dietary and nutrition content of the products must also appear on the label. This precludes the need for a standard of identity for these products. These label requirements found in Title 21 C.F.R. are adopted by the department under chapter 16-167 WAC.

September 22, 1999

Candace A. Jacobs, DVM  
Assistant Director

EXPEDITED REPEAL

**WSR 99-19-003**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed September 2, 1999, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-12-015.

Title of Rule: Chapter 180-40 WAC, Pupils.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: RCW 28A.305.160, 28A.600.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To amend sections within chapter 180-40 WAC, Pupils, to qualify the right of students to question and confront witnesses by recognizing exceptions thereto.

Proposal Changes the Following Existing Rules: See Explanation of Rule above and language shown below.

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: Sunnyside School District, 110 South 6th Street, Sunnyside, WA 98944, on October 29, 1999, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Carolyn Berger by October 20, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 20, 1999.

Date of Intended Adoption: October 29, 1999.

September 2, 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 99-19-023

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Assistance Programs)

[Filed September 7, 1999, 3:34 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-410-0001 Cash/medical assistance overpayment.

Purpose: Ensure WAC 388-410-0001 conforms to RCW 74.08.080 (2)(e) which limits client's overpayment liability when cash assistance is recovered pending a fair hearing.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.08.080 (2)(e), 74.04.510.

Summary: When the department is upheld in a fair hearing, the department may only establish an overpayment for up to sixty days after the department receives the client's hearing request.

Reasons Supporting Proposal: RCW 74.08.080 (2)(e) requires this change.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, 1009 College Street S.E., Lacey, WA, (360) 413-3073.

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: When the department is upheld in a fair hearing, the department may only establish an overpayment for up to sixty days after the department received the client's fair hearing request.

Proposal Changes the Following Existing Rules: WAC 388-410-0001 limits client's overpayment when assistance is continued pending a fair hearing and the department is upheld in the fair hearing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects cash/medical assistance recipients only.

RCW 34.05.328 does not apply to this rule adoption. This is not 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 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 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 26, 1999.

Date of Intended Adoption: December 1, 1999.

September 2, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-410-0001 What is a cash/medical assistance overpayment**~~((s))~~? (1) An overpayment ~~((means))~~ is any cash or medical assistance paid ~~((to an))~~ that is more than the assistance unit ~~((where:~~

~~((a) Eligibility for the payment did not exist; or~~

~~((b) Assistance paid was in excess of need))~~ was eligible to receive.

(2) There are two ~~((different))~~ types of cash/medical overpayments ~~((for cash and medical assistance))~~:

~~((a) Intentional overpayments~~((and~~~~

~~((b) Unintentional overpayments.~~

~~((3) The client is presumed to have committed an intentional overpayment when the client willfully or knowingly: ~~((a))~~, presumed to exist when the client willfully or knowingly:~~

~~((i) Fails to report within twenty days a change in circumstances that affects ~~((the client's))~~ eligibility ~~((or need)); or~~ ~~((b))~~ ~~((ii) Misstates or fails to reveal a ~~((material fact that affects))~~ fact affecting eligibility ~~((or need))~~ as specified in WAC 388-446-0001.~~~~

PROPOSED

~~((4) All overpayments that are not due to the willful or knowing failure of the client to provide information necessary to determine eligibility are considered unintentional overpayments.~~

~~(5) Child support payments received directly from the absent parent are not treated as a grant overpayment if kept by the caretaker relative. Such payments are considered a debt to the division of child support.)~~

(b) Unintentional overpayments, which includes all other client-caused overpayments.

(3) If the client requests a fair hearing and the department's decision is upheld, then:

(a) The continued assistance, pending the fair hearing, becomes an overpayment to the client (see WAC 388-418-0030); and

(b) The department may establish an overpayment for no more than sixty days after the department receives the client's hearing request.

PROPOSED

**WSR 99-19-024**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed September 7, 1999, 3:38 p.m.]

Original Notice.  
 Exempt from preproposal statement of inquiry under RCW 34.05.310(4).  
 Title of Rule:

WAC NUMBER	SECTION TITLE
388-96-010	Definitions.
388-96-202	Scope of audit or department audit.
388-96-218	Proposed, preliminary, and final settlements.
388-96-384	Liquidation or transfer of resident personal funds.
388-96-559	Cost basis of land and depreciation base.
388-96-565	Lives.
388-96-572	Handling of gains and losses upon retirement of depreciable assets—Other periods.
388-96-585	Unallowable costs.
388-96-708	Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate.
388-96-709	Prospective rate revisions—Reduction in licensed beds.
388-96-710	Prospective payment for new contractors.
388-96-714	Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors.

388-96-718	Public process for determination of rates.
388-96-723	How often will the department compare the state-wide weighted average payment rate for the capital and noncapital portions of the rate for all nursing facilities with the state-wide weighted average payment rate for the capital and noncapital portions of the rate identified in the Biennial Appropriations Act?
388-96-724	How much advance notice will a nursing facility receive of a rate reduction?
388-96-725	After a RCW 74.46.421 rate reduction, when will a nursing facility's rates return to their previous level?
388-96-726	If a nursing facility's capital and/or noncapital component rates are below the state-wide weighted average payment rate for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act, will the department reduce the facility's capital and/or noncapital component rates when it reduces rates under RCW 74.46.421?
388-96-730	How will the department reduce a nursing facility's capital and/or noncapital portion(s) of its rate so that the state-wide weighted average payment rate for the capital and/or noncapital portions of the rate is equal to or less than the state-wide weighted average for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act?
388-96-731	When will the department reduce all nursing facilities capital and/or noncapital portion(s) of their rates?
388-96-748	Financing allowance component rate allocation.
388-96-766	Notification of rates—References to rates.
388-96-767	Appraisal values.
388-96-771	Receivership.
388-96-776	Add-ons to the payment rate—Capital improvements.

Purpose:

388-96-010	Adds definitions for "anticipated resident days" and "anticipated resident occupancy." These terms are used in E2SHB 1484, chapter 353, Laws of 1999 Medicaid payment—Nursing facility. Also, defines "nursing facility occupancy percentage," "total rate allocation" and "component rate allocation," which are terms used in chapter 388-96 WAC.
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<b>388-96-202</b>	Clarifies that department will audit all resident trust funds.
<b>388-96-218</b>	States how the department will settle calendar year 1998 per directive of RCW 74.46.165.
<b>388-96-384</b>	Changes from forty-five days to thirty days the time allowed for a contractor to transfer personal funds of a deceased resident and final accounting to appropriate jurisdiction or DSHS/Office of Financial Recovery.
<b>388-96-559</b>	Removes return on investment (ROI) and substitutes financing allowance.
<b>388-96-565</b>	Requires new buildings receiving certificate of need (CON) approval or exemptions after July 1, 1999 must be depreciated over forty years. Also, for new or replacement buildings or for major renovations receiving CON approval or exemption on or after July 1, 1999, the department will depreciate fixed equipment the same number of years as the life of the building to which it is affixed. In addition, section was revised for clarity.
<b>388-96-572</b>	Removes incorrect reference.
<b>388-96-585</b>	Adds that allowable bad debts will be accounted for in the final settlement process only.
<b>388-96-708</b>	Removes the requirement that to receive an increased rate, the contractor must notify the department thirty days in advance of reinstating banked beds. Clarifies that the post unbanking number of licensed beds must be used in all rate setting.
<b>388-96-709</b>	Uses new definitions in describing how a nursing facility's rate will be changed when it banks beds. Clarifies that the post banking number of licensed beds must be used in all rate setting.
<b>388-96-710</b>	Removes ROI and replaces with financing allowance and variable return.
<b>388-96-714</b>	New section to implement ESSB 5967, chapter 376, Laws of 1999 requiring two economic trends and conditions adjustment factors.
<b>388-96-718</b>	In the public process for determination of rate changes the time allowed for public comment from thirty days to fourteen.
<b>388-96-723; 724; 725, 726 and 731</b>	These sections are revised to identify the Medicaid payment rate as consisting of two parts: Capital and noncapital.

<b>388-96-730</b>	States how the department will reduce a nursing facility's capital and/or noncapital portion(s) of its rate so that the state-wide weighted average payment rate for the capital and/or noncapital portions of the rate is equal to or less than the state-wide weighted average for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act.
<b>388-96-748</b>	New section on determining the financing allowance component rate allocation.
<b>388-96-766</b>	Adjustments and updates made after the calendar year in which the adjustments and updates were effective will be accounted for in the final settlement process.
<b>388-96-767, 771 and 776</b>	Changes to these sections reflect the elimination of ROI and the introduction of the two rate components financing allowance and variable return.

**PROPOSED**

Statutory Authority for Adoption: RCW 74.46.165, 74.46.431 as amended by E2SHB 1484, chapter 353, Laws of 1999, ESSB 5967, chapter 376, Laws of 1999 and RCW 74.46.800.

Statute Being Implemented: RCW 74.46.165, [74.46.]020, [74.46.]360, [74.46.]421, [74.46.]431 and ESSB 5967, section 3, chapter 376, Laws of 1999 Sec. 3 1999 c amending (ESSB 5180) s 207 (uncodified).

**Summary:** The following new WAC sections will implement the changes required by E2SHB 1484, chapter 353, Laws of 1999: WAC 388-96-714 implements two economic trends and conditions adjustment factors; WAC 388-96-748 implements the determination of financing allowance component rate allocation; and WAC 388-96-730 implements the department's methodology (required by RCW 74.46.421 a new section from chapter 322, Laws of 1998) for reducing a nursing facility's capital and/or noncapital portion(s) of its rate so that the state-wide weighted average payment rate for the capital and/or noncapital portion(s) of the rate is equal to or less than the state-wide weighted average for the capital and/or noncapital portion(s) of the rate identified in the Biennial Appropriations Act (split of total rate allocation between capital and noncapital in the process required by amendment to RCW 74.46.421, E2SHB 1484, chapter 353, Laws of 1999).

The following existing sections were revised to implement E2SHB 1484, chapter 353, Laws of 1999: WAC 388-96-559, 388-96-710, 388-96-767, 388-96-771, and 388-96-776 are revised to remove references to return on investment and incorporate financing allowance and variable return component rate allocations; WAC 388-96-565 is revised for clarity and to include new requirement that new buildings after July 1, 1999 must be depreciated over forty years and fixed equipment is depreciated over the life of the building to which it is affixed; and WAC 388-96-723, 388-96-724, 388-96-726 and 388-96-731 are revised to identify the Medicaid

payment rate as consisting of two parts: Capital and noncapital.

**Unless otherwise specified the following existing WAC sections were revised under the department's rule-making authority of RCW 74.46.800:** WAC 388-96-202 clarifies all resident trust fund audits are subject to audit; WAC 388-96-218 is to implement RCW 74.46.165(7), section 10, chapter 322, Laws of 1998; WAC 388-96-384 although RCW 74.46.711 allows forty-five days for transfer of a deceased resident's funds, WAC 388-97-070 (6)(e) follows the federal requirement of thirty days. Both RCW 74.46.700 and 74.46.840 require WAC 388-96-384 to state thirty days; WAC 388-96-572 removes incorrect reference; WAC 388-96-585 adds that allowable bad debts will be accounted for in the final settlement process only; WAC 388-96-708 removes the requirement that to receive an increased rate, the contractor must notify the department thirty days in advance of reinstating banked beds; WAC 388-96-709 uses new definitions in describing how a NF's rate will be changed when it banks beds. New subsections in WAC 388-96-708 and 388-96-709 clarify that the post unbanking or banking number of licensed beds must be used in all future minimum occupancy tests; WAC 388-96-718 in the public process for determination of rate changes the time allowed for public comment is reduced from thirty days to fourteen; and WAC 388-96-766 adjustments and updates made after the calendar year in which the adjustments and updates were effective will be accounted for in the final settlement process.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, 600 Woodland Square Loop S.E., Lacey, WA 98503, (360) 753-0631.

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

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

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

Proposal Changes the Following Existing Rules: **The following existing sections were revised to implement E2SHB 1484, chapter 353, Laws of 1999:** WAC 388-96-559, 388-96-710, 388-96-767, 388-96-771, and 388-96-776 are revised to remove references to ROI and incorporate FA and VR component rate allocations; WAC 388-96-565 is revised for clarity and to include new requirement that new buildings after July 1, 1999 must be depreciated over forty years and fixed equipment is depreciated over the life of the building to which it is affixed; and WAC 388-96-723, 388-96-724, 388-96-726, and 388-96-731 are revised to identify the Medicaid payment rate as consisting of two parts: Capital and noncapital.

**Unless otherwise specified the following existing WAC sections were revised under the department's rule-making authority of RCW 74.46.800:** WAC 388-96-202 clarifies all resident trust fund audits are subject to audit; WAC 388-96-218 is to implement RCW 74.46.165(7)

amended by section 10, chapter 322, Laws of 1998; WAC 388-96-384 although RCW 74.46.711 allows forty-five days for transfer a [of] deceased resident funds, the federal requirement is thirty days. Both RCW 74.46.700 and 74.46.840 require the change to thirty days; WAC 388-96-572 removes incorrect reference; WAC 388-96-585 adds that allowable bad debts will be accounted for in the final settlement process only. Makes lobbying expenses unallowable costs; WAC 388-96-708 removes the requirement that to receive an increased rate, the contractor must notify the department thirty days in advance of reinstating banked beds; WAC 388-96-709 uses new definitions in describing how a NF's rate will be changed when it banks beds. New subsections in WAC 388-96-708 and 388-96-709 clarify that the post unbanking or banking number of licensed beds must be used in all rate setting; WAC 388-96-718 in the public process for determination of rates changes the time allowed for public comment from thirty days to fourteen; and WAC 388-96-766 adjustments and updates made after the calendar year in which the adjustments and updates were effective will be accounted for in the final settlement process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 18.85.020(1) a small business is defined as one with fewer than fifty employees and whose purpose is to make profit. The revisions to chapter 388-96 WAC only impact businesses with fifty or more employees and approximately one third the businesses are nonprofit. Also the proposed new sections and revisions to chapter 388-96 WAC are exempt from a small business economic impact statement under RCW 19.85.025(2) and 34.05.310 (4)(d) rules that only correct typographical errors make address or name changes, or clarify language of a rule without changing its effect; (e) rules the content of which is explicitly and specifically dictated by statute; and (f) rules that set or adjust fees or rates pursuant to legislative standards.

RCW 34.05.328 applies to this rule adoption. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. Amendments to and new sections for chapter 388-96 WAC are to implement new sections and amendments to chapter 74.46 RCW made by E2SHB 1484, chapter 353, Laws of 1999 and ESSB 5967, chapter 376, Laws of 1999. RCW 74.46.010 reads as follows: This chapter may be known and cited as the "nursing facility Medicaid payment system." The purposes of this chapter are to specify the manner by which legislative appropriations for Medicaid nursing facility services are to be allocated as payment rates among nursing facilities, and to set forth auditing billing, and other administrative standards associated with payments to nursing home facilities.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 9, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 29, 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 November 9, 1999.

Date of Intended Adoption: November 30, 1999.

September 1, 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 99-19-027**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
(Basic Health Plan)

[Order 99-06—Filed September 8, 1999, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-098.

Title of Rule: WAC 182-25-010 Definitions, 182-25-030 Eligibility, 182-25-040 Enrollment in the plan, 182-25-090 Disenrollment from BHP, and new section WAC 182-25-031 Transition coverage.

Purpose: To allow basic health to close nonsubsidized enrollment and provide transition coverage for subsidized enrollees who lose eligibility for premium subsidy.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.060, 70.47.100.

Summary: Permanently adopts WAC 182-25-031 for transition coverage for subsidized basic health enrollees who lose eligibility for premium subsidy. Permanently adopts revised WAC 182-25-010, 182-25-030, 182-25-040 and 182-25-090 to allow Basic Health to close nonsubsidized enrollment.

Reasons Supporting Proposal: On August 27, 1999, these rules were filed as emergency rules. These amendments were necessary because of a significant and unanticipated decrease in the number of managed health care systems participating in basic health's nonsubsidized program for plan year 2000, see WSR 99-18-051. This rule making will adopt the emergency rules permanently.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Becky Loomis, Lacey, Washington, (360) 923-2996.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will permanently adopt emergency rules (adopted August 27, 1999). They allowed basic health to close new nonsubsidized enrollment where managed health-care systems agreed to continue coverage for current enrollees but will not accept new applicants; to disenroll enrollees

where no managed health care system is available; and to provide limited transition coverage for current subsidized enrollees who lose eligibility for a premium subsidy. These changes were needed to maintain coverage for as many current basic health enrollees as possible, given the current contracting environment.

Proposal Changes the Following Existing Rules: Adopts as permanent, emergency rules adopted August 27, 1999, without any change in text of those emergency rules, see WSR 99-18-051.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Effects on businesses will be minimal.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, 3rd Floor Conference Room, Lacey, WA 98504, on October 28, 1999, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by October 20, 1999, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, Basic Health, P.O. Box 42683, Olympia, WA 98504-2683, fax (360) 412-4276, by October 28, 1999.

Date of Intended Adoption: November 3, 1999.

September 8, 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.

PROPOSED

(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 veterans' 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.

(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 Order 99-02, 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.

(4) ~~(To be eligible)~~ For subsidized enrollment in BHP, an individual must 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 deter-

mined 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. ~~(In the event that)~~ 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.

~~(b)~~ 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;

~~((e))~~ (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.)

(c) If the administrator has closed or limited subsidized enrollment, applicants for subsidized BHP who are not in any of ~~(these)~~ the categories in (b) of this subsection 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 Transition coverage.** (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 Order 99-02, 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

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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 that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

AMENDATORY SECTION (Amending 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 dis-

enrolled 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 reenroll 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 99-19-034

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 97-39—Filed September 9, 1999, 4:24 p.m.]

Continuance of WSR 99-18-100.

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).

Purpose: To add an additional public hearing and extend the public comment period from October 15, 1999, to October 22, 1999.

Other Identifying Information: Chapter 173-425 WAC.

Statutory Authority for Adoption: RCW 70.94.700 and [70.94.]755.

Statute Being Implemented: Chapter 70.94 RCW.

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.; at the Big Bend Community College Auditorium, 7662 Chanute Street, Moses Lake, WA, on October 13, 1999, at 7:00 p.m.; and at the Clark College North Conference Room, 1800 East McLoughlin Boulevard, Vancouver, WA, on October 14, 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 22, 1999.

Date of Intended Adoption: December 1, 1999.

September 8, 1999

Daniel J. Silver

Deputy Director

#### WSR 99-19-040

#### PROPOSED RULES

#### BOARD OF ACCOUNTANCY

[Filed September 13, 1999, 10:50 a.m.]

Continuance of WSR 99-13-073.

Preproposal statement of inquiry was filed as WSR 98-24-058.

Title of Rule: New section WAC 4-25-832 How do I report my CPE to the board?

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Purpose: To continue hearing date—To inform Washington certified public accountants (CPAs) how to report completed CPE to the board.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.105(8).

Statute Being Implemented: RCW 18.04.055, 18.04.105(8).

Summary: The new section notifies certified public accountants (CPAs) applying for renewal of their CPA license and/or certificate that (1) the reporting of compliance with continuing professional education (CPE) requirements is concurrent with the renewal application, (2) CPAs are required to sign a statement certifying under penalty of perjury of compliance with the board's CPE requirements and supporting documentation requirements, and (3) the board audits compliance with CPE and supporting documentation requirements.

Reasons Supporting Proposal: (1) Clearly tells a CPA how to report the completion of CPE to the board, (2) aligns the reporting of CPE (requiring a signed statement of compliance with CPE and records retention requirements) with the Uniform Accountancy Act and minimizes reporting requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Using the clear rule-writing technique that eliminates confusion, WAC 4-25-832 tells CPAs how to report their completed CPE to the board. The goal of the new section is to promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, and promote efficiencies.

Proposal Changes the Following Existing Rules: The board is proposing to replace WAC 4-25-812 with two new sections (WAC 4-25-832 and 4-25-833) for clarity and easy reference. WAC 4-25-832 eliminates the requirements for CPAs to file with their applications for license and/or certificate renewal a signed statement of the CPE programs for which they claim credit listing the course sponsor, title of program, dates attended and hours claimed. Instead the CPAs will be required to file a signed statement certifying under penalty of perjury that they complied with the board's CPE requirements and supporting documentation requirements (no listing of each course—just total hours).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new section will have negligible economic impact on the accounting profession and business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA  
Executive Director

## NEW SECTION

**WAC 4-25-832 How do I report my CPE to the board?** In order to apply for renewal of your CPA license and/or certificate, you must satisfy the board's CPE and supporting documentation requirements.

The reporting of compliance with CPE requirements is concurrent with the application for license and/or certificate renewal. When you complete your renewal form, you are required to sign a statement certifying under the penalty of perjury that you complied with the board's CPE requirements as defined in WAC 4-25-830 and supporting documentation requirements as defined in WAC 4-25-833.

The board audits, on a test basis, compliance with CPE and supporting documentation requirements as certified on the license and/or certificate renewal form. As part of this audit the board may require a general description of each course's contribution to your professional competence.

## **WSR 99-19-041**

### **PROPOSED RULES**

### **BOARD OF ACCOUNTANCY**

[Filed September 13, 1999, 10:52 a.m.]

Continuance of WSR 99-13-074.

Preproposal statement of inquiry was filed as WSR 98-24-058.

Title of Rule: New section WAC 4-25-833 What documentation must I retain to support my eligibility for CPE credits?

Purpose: To continue hearing date—To prescribe the documentation a Washington certified public accountant (CPA) must retain to support their eligibility for CPE credits.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.105(8).

Statute Being Implemented: RCW 18.04.055, 18.04.105(8).

Summary: The new section notifies certified public accountants (CPAs) (1) they are responsible for documenting entitlement to CPE credit claimed on their application for renewal of their license and/or certificate, (2) of the documentation required to support their claim for CPE credit, and (3) to retain supporting documentation for five years after completion of the program.

Reasons Supporting Proposal: (1) Clearly notifies CPAs to maintain supporting documentation for CPE credit



claimed, (2) clearly notifies the CPAs of what the board will accept as documentation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Using the clear rule-writing technique that eliminates confusion, WAC 4-25-833 tells CPAs they are responsible for documenting their entitlement of CPE credit claimed and notifies CPAs what the board will accept as documentation. The goal of the new section is to promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, and promote efficiencies.

Proposal Changes the Following Existing Rules: The board is proposing to replace WAC 4-25-812 with two new sections (WAC 4-25-832 and WAC 4-25-833) for clarity and easy reference. WAC 4-25-833 generally maintains the requirements for documentation of WAC 4-25-812. However, WAC 4-25-833 eliminates as acceptable documentation: Copy of the course outline prepared by the course sponsor and adds "for group programs, a certificate, or other acceptable verification as defined by board policy."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new section will have negligible economic impact on the accounting profession and business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA  
Executive Director

## NEW SECTION

**WAC 4-25-833 What documentation must I retain to support my eligibility for CPE credits?** (1) For each program for which you claim CPE credit you must retain documentation to support all of the following required information:

- (a) Program sponsor;
- (b) Title of program or description of content;
- (c) Date(s) attended;
- (d) Number of CPE credit hour(s); and
- (e) Acceptable evidence of completion.

(2) Acceptable evidence supporting the requirements of subsection (1) of this section includes:

(a) For group programs, a certificate, or other acceptable verification as defined by board policy, that is supplied by the program sponsor;

(b) For self-study programs, a certificate supplied by the program sponsor after satisfactory completion of a workbook or examination;

(c) For a university or college course, a record of the grade you received;

(d) For instruction credit, evidence obtained from the program sponsor of your having been the instructor or discussion leader at the program; or

(e) For published articles or books, evidence of publication.

(3) You are responsible for documenting your entitlement to the CPE credit you claim on your license and/or certificate renewal form. You must retain the supporting documentation for CPE credit claimed for five years after completion of the program.

## WSR 99-19-042

### PROPOSED RULES

### BOARD OF ACCOUNTANCY

[Filed September 13, 1999, 10:57 a.m.]

Continuance of WSR 99-13-071.

Preproposal statement of inquiry was filed as WSR 98-24-056.

Title of Rule: New section WAC 4-25-830 What are the CPE requirements?

Purpose: To continue hearing date—To clearly prescribe the board's continuing professional education requirements.

Statutory Authority for Adoption: RCW 18.04.055(7), 18.04.215(4), 18.04.105(8).

Statute Being Implemented: RCW 18.04.055(7), 18.04.105(8), 18.04.215(4).

Summary: The new section in compliance with RCW 18.04.105(8) provides that a certified public accountant shall verify to the board completion of an accumulation of at least 120 hours of continuing professional education (CPE) during the preceding three-year period to maintain or reinstate a license and/or certificate. The rules establish within the 120 hours:

- A licensee is limited to a maximum of twenty-four hours in nontechnical subject areas.
- All licensees and certificate holders are required to complete a four hour course in professional ethics with specific application to the practice of public accounting in Washington state.
- A minimum of twenty hours of CPE each calendar year.

The rule also:

- Establishes provisions for a reasonable cause exemption to the CPE requirements.

PROPOSED

- Provides direction to CPAs holding a certificate under the reasonable cause exemption and wanting to change status.
- Requires CPAs applying for a Washington license and/or certificate by reciprocity to comply with the CPE requirements as outlined in this rule except for the four hour ethics course.

Reasons Supporting Proposal: (1) Clearly outlines the board's CPE requirements.

(2) RCW 18.04.105 and 18.04.215 were amended by the 1999 legislature to require the board to issue certificate and licenses on a three-year basis and require CPAs to complete at least 120 hours of CPE during the last three-year period. The board's existing rule conflicts with the new statute. The proposed changes would conform the current rule to the new statute.

(3) Responds to stakeholder requests to eliminate the accounting/auditing subject area requirement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Using the clear rule-writing technique that eliminates confusion, WAC 4-25-830 sets the continuing professional education (CPE) requirements for Washington CPAs. The goal of the new section is to promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, and promote efficiencies through minimizing gray areas.

Proposal does not change existing rules. The board is proposing to replace WAC 4-25-810 with WAC 4-25-830. The new section changes the CPE requirement to 120 hours every three years to conform with revisions to RCW 18.04-

105 and 18.04.215 by the 1999 legislature. Additionally, the new rule (1) requires a minimum of twenty hours of CPE every calendar year, (2) eliminates the accounting/auditing subject area requirement, (3) changes the ethics course requirement from a four hour course every four years to a four hour course every three years, and (4) clarifies the requests for exception to the CPE requirements due to reasonable cause (other than retirement or nonuse of the CPA title) must be in writing to the board.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new section will have negligible economic impact on the accounting profession and business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA

Executive Director

NEW SECTION

**WAC 4-25-830 What are the CPE requirements? (1)**

For CPE reporting periods beginning January 1, 2000, or later, the following CPE is required during the three calendar year period prior to renewal:

Category	Maximum CPE Allowed in Nontechnical Subject Areas	Minimum CPE in Ethics Applicable to Practice in WA State	Total CPE
(a) A licensee.	24	4	120
(b) A certificateholder whose activities during the 3-year calendar period prior to renewal do not require a license to practice public accounting.	Exempt	4	120

**(2) Subject area requirements:**

(a) Licensees are limited to a maximum of 24 CPE credit hours in nontechnical subject areas during the CPE reporting period.

(b) If you are a certificateholder, you are exempt from the limitation of CPE credit hours in nontechnical subject areas.

**(3) Ethics applicable to practice in WA state:** During each CPE reporting period all licensees and certificateholders are required to complete a four-hour course on professional ethics with specific application to the practice of public accounting in Washington state.

**(4) 20 hours a year minimum:** For CPE reporting periods beginning after December 31, 1999, you must complete a minimum of 20 hours of CPE each calendar year.

**(5) Reasonable cause exemption:** In order to renew your license and/or certificate you must complete the required CPE unless you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may make exceptions to the CPE requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause. You must request such an exemption in writing to the board. The request should include justification for the exemption and your plan to correct your CPE deficiency.

If you are retired, or you are a certificateholder and did not make any public, professional, commercial, or occupational use of the title CPA during the prior three years, you are deemed to have met the reasonable cause exemption.

(6) **Return to previous status:** If you seek to change your status as a certificateholder exempted from the CPE requirements under the reasonable cause exemption to a:

(a) Licensee, you must satisfy the requirements of subsection (1)(a) of this section within the three-year period immediately preceding the date the application for change in status was received by the board; or

(b) Certificateholder, you must satisfy the requirements of subsection (1)(b) of this section within the three-year period immediately preceding the date the application for change in status was received by the board.

(7) **Reinstatement of a lapsed, suspended, or revoked license and/or certificate:** If you seek to reinstate a lapsed, suspended, or revoked license and certificate, you must satisfy the requirements of subsection (1)(a) of this section within the three-year period immediately preceding the date the application for reinstatement was received by the board. If you seek to reinstate a lapsed, suspended, or revoked certificate, you must satisfy the requirements of subsection (1)(b) of this section within the three-year period immediately preceding the date the application for reinstatement was received by the board.

(8) **Reciprocity:** If you are applying for an initial Washington state CPA license and/or certificate under the reciprocity provisions of RCW 18.04.180 or 18.04.183, you must satisfy the applicable requirements in subsection (1) of this section within the three-year period immediately preceding the date the application was received by the board. For purposes of an initial license and/or certificate, you do not need to satisfy the ethics requirements of subsection (3) of this section.

Thereafter, in order to renew your Washington state CPA license and/or certificate, you must comply with all the applicable renewal requirements in subsection (1) of this section, including the ethics requirements in subsection (3) of this section.

**WSR 99-19-043**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
[Filed September 13, 1999, 11:00 a.m.]

Continuance of WSR 99-13-072.

Preproposal statement of inquiry was filed as WSR 98-24-057.

Title of Rule: New section WAC 4-25-831 What are the program standards for CPE?

Purpose: To continue hearing date—To clearly outline the standards continuing professional education courses must meet.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.105(8).

Statute Being Implemented: RCW 18.04.055, 18.04.105(8).

Summary: The new section standards for continuing professional education (CPE) programs. The rule:

- Defines a qualifying program.
- Allows undergraduate and graduate courses for CPE if the courses meet the standards.
- Disallows CPE credit for attending committee meetings unless the meetings meet the standards.
- Allows CPE credit for service on the board's QAR committee, participation as a QAR team captain or reviewer, and participation on the board approved quality or peer review committees as defined by board policy.
- Lists the subject areas for acceptable courses including (1) technical subjects, (2) nontechnical subjects, and (3) professional ethics.
- Allows CPE credit for group programs that meet the standards.
- Defines CPE credit.
- Allows CPE for self-study programs (interactive and noninteractive programs).
- Allows a maximum of seventy-two hours of CPE for preparation and presentation of a CPE course as an instructor, discussion leader, or speaker during each CPE reporting period.
- Allows CPE for published articles and books.
- Disallows carry-forward of CPE credit during one period to the next period.
- Allows carry-back of CPE credit provided the CPA request the exception in writing for board approval.

Reasons Supporting Proposal: (1) Clearly outlines the board's program standards for CPE.

(2) Moves the adoption of the NASBA/AICPA statement on standards for formal continuing education which are currently under revision to policy rather than including in the rule, therefore eliminating unnecessary rule amendments.

(3) The enhancement of the subject area definition will aid (1) CPAs when choosing courses to meet the board's requirement, (2) sponsors of CPE programs when developing programs for CPE, and (3) board staff when auditing CPE reports for compliance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Using the clear rule-writing technique that eliminates confusion, WAC 4-25-831 outlines the standards continuing professional education (CPE) courses must meet. The goal of the new section is to promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, and promote efficiencies through minimizing gray areas.

Proposal does not change existing rules. The board is proposing to replace WAC 4-25-811 with WAC 4-25-831. The new section (1) changes the definition of "qualifying program" by eliminating reference to the statement on stan-

dards for formal continuing education published by the National Association of State Boards of Accountancy, (2) allows CPE credit for undergraduate courses, (3) adds professional ethics with a specific application to the practice of public accounting in Washington state to the list of subject areas, (4) adds the prohibition of carry-forward of CPE credit from one reporting period to the next period, and (5) adds the allowance of carry-back of CPE hours to a previous reporting period provided the CPA requests the exception in writing for board approval.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new section will have negligible economic impact on the accounting profession and business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA  
Executive Director

## NEW SECTION

**WAC 4-25-831 What are the program standards for CPE?** (1) **Qualifying program:** A program qualifies as acceptable CPE for purposes of RCW 18.04.215(4) if it is a formal program of learning which contributes to the growth in the professional knowledge and professional competence of an individual in the practice of the profession. A formal program means:

- The program is at least fifty minutes in length;
- Attendance is recorded;
- Participants sign in to confirm attendance and, if the program is greater than four credit hours, participants sign out during the last hour of the program; and
- Attendees are provided a certificate of completion.

(2) **Undergraduate and graduate courses:** A graduate or undergraduate course qualifies for CPE credit if it meets the standards in subsections (1) and (5) of this section. For both undergraduate and graduate courses one quarter credit equals 10 CPE credit hours and one semester credit equals 15 CPE credit hours.

(3) **Committee meetings:** Generally, CPE credit is not allowed for attending committee meetings. A meeting qualifies for CPE credit only if it meets the standards in subsections (1) and (5) of this section.

(4) **Quality assurance review:** Service on the board's QAR committee, participating as a QAR team captain or reviewer, and participating on other board-approved quality

or peer review committees may be considered for CPE credit as defined by board policy.

(5) **Subject areas:** Programs dealing with the following general subject areas are acceptable so long as they meet the standards in subsection (1) of this section:

- (a) Technical subjects include:
- (i) Auditing standards or procedures;
  - (ii) Compilation and review of financial statements;
  - (iii) Financial statement preparation and disclosures;
  - (iv) Attestation standards and procedures;
  - (v) Projection and forecast standards or procedures;
  - (vi) Accounting and auditing;
  - (vii) Management advisory services;
  - (viii) Personal financial planning;
  - (ix) Taxation;
  - (x) Management information services;
  - (xi) Budgeting and cost analysis;
  - (xii) Asset management;
  - (xiii) Professional ethics (other than those programs used to satisfy the requirements of WAC 4-25-830(3));
  - (xiv) Specialized areas of industry;
  - (xv) Human resource management;
  - (xvi) Economics;
  - (xvii) Business law;
  - (xviii) Mathematics, statistics, and quantitative applications in business;
  - (xix) Business management and organization;
  - (xx) General computer skills, computer software training, information technology planning and management;
- (b) Nontechnical subjects include:
- (i) Communication skills;
  - (ii) Interpersonal management skills;
  - (iii) Leadership and personal development skills;
  - (iv) Client and public relations;
  - (v) Practice development;
  - (vi) Motivational and behavioral courses;
  - (vii) Speed reading and memory building;
  - (viii) Negotiation or dispute resolution courses;
- (c) Professional ethics with specific application to the practice of public accounting in Washington state covers the following subjects: Revised Code of Washington chapter 18.04, Washington Administrative Code chapter 4-25, and the code of professional conduct promulgated by the American Institute of CPAs.
- Subjects other than those listed above may be acceptable provided you can demonstrate they contribute to your professional competence. You are solely responsible for demonstrating that a particular program is acceptable.
- (6) **Group programs:** You may claim CPE credit for group programs such as the following so long as the program meets the standards in subsections (1) and (5) of this section:
- (a) Professional education and development programs of national, state, and local accounting organizations;
  - (b) Technical sessions at meetings of national, state, and local accounting organizations and their chapters;
  - (c) Formal in-firm education programs;
  - (d) Programs of other organizations (accounting, industrial, professional, etc.);

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(e) Dinner, luncheon, and breakfast meetings which are structured as formal educational programs;

(f) Firm meetings for staff and/or management groups structured as formal education programs. Portions of such meetings devoted to communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(7) **CPE credit:** CPE credit is allowable only for those programs taken after the issuance of the CPA certificate. Credit is not allowed for programs taken to prepare an applicant for the ethics examination as a requirement for initial certification. CPE credit is given for whole hours only, with a minimum of fifty minutes constituting one hour. For example, one hundred minutes of continuous instruction counts as two hours of CPE credit; however, more than fifty minutes but less than one hundred minutes of continuous instruction counts only as one hour CPE credit. Attendees obtain CPE credit only for time spent in instruction; no credit is allowed for preparation time.

(8) **Self-study programs:** Credit for self-study programs is allowed in the renewal period in which you completed the program as established by the evidence of completion provided by the program sponsor.

(a) **Interactive self-study programs:** The amount of credit allowed for interactive self-study is that which is recommended by the program sponsor on the basis of the average completion time under appropriate "field tests." In order to claim CPE credit for interactive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(b) **Noninteractive self-study programs:** The amount of credit allowed for noninteractive self-study is one-half the average completion time as determined by the program sponsor on the basis of appropriate "field tests." To claim CPE credit for noninteractive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(9) **Instructor, discussion leader, or speaker:** If you serve as an instructor, discussion leader or speaker at a program which meets the standards in subsections (1) and (5) of this section, the first time you present the program you may claim CPE credit for both preparation and presentation time. One hour of credit is allowed for each fifty minutes of instruction. Additionally, you may claim credit for actual preparation time up to two times the presentation hours. No credit is allowed for subsequent presentations. A maximum of 72 CPE credit hours are allowed for preparation and presentation during each CPE reporting period.

(10) **Published articles, books:** You may claim CPE credit for published articles and books, provided they contribute to your professional competence. Credit for preparation of such publications may be claimed on a self-declaration basis for up to 30 hours in a CPE reporting period. In exceptional circumstances, you may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances that justify a greater credit. The amount of credit awarded for a given publication will be determined by the board.

(11) **Carry-forward:** CPE credit hours you complete during one period cannot be carried forward to the next period.

(12) **Carry-back:** CPE credit hours you complete during one period can be carried back to the previous reporting period; however, only in accordance with WAC 4-25-830(5).

**WSR 99-19-044**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 13, 1999, 11:02 a.m.]

Continuance of WSR 99-13-077.

Preproposal statement of inquiry was filed as WSR 98-24-056, 98-24-057, 98-24-058.

Title of Rule: Repeal of WAC 4-25-810, 4-25-811, and 4-25-812.

Purpose: To continue hearing date—To repeal sections of chapter 4-25 WAC that are being rewritten and recodified (WAC 4-25-830, 4-25-831, 4-25-832, and 4-25-833).

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Repeal sections of chapter 4-25 WAC that are being rewritten and recodified (WAC 4-25-830, 4-25-831, 4-25-832, and 4-25-833).

Reasons Supporting Proposal: These sections of chapter 4-25 WAC are being repealed (rather than amended) and recodified to provide a history of the rules regarding continuing professional education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board proposes to repeal WAC 4-25-810, 4-25-811, and 4-25-812 to implement the recodification to four new sections (WAC 4-25-830, 4-25-831, 4-25-832, and 4-25-833).

Proposal does not change existing rules. Repeals WAC 4-25-810, 4-25-811, and 4-25-812 and replaces them with four rewritten rules (WAC 4-25-830, 4-25-831, 4-25-832, and 4-25-833).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

PROPOSED

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA  
Executive Director

### WSR 99-19-045

#### PROPOSED RULES

#### BOARD OF ACCOUNTANCY

[Filed September 13, 1999, 11:03 a.m.]

Continuance of WSR 99-13-078.

Preproposal statement of inquiry was filed as WSR 98-24-059.

Title of Rule: Repeal of WAC 4-25-813 Continuing professional education (CPE)—Program sponsor agreements.

Purpose: To continue hearing date—To eliminate the voluntary sponsor agreement program offered to persons or organizations intending to sponsor programs qualifying for CPE.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.105.

Statute Being Implemented: RCW 18.04.055, 18.04.105.

Summary: To repeal section of chapter 4-25 WAC that is unnecessary.

Reasons Supporting Proposal: The sponsor agreement program is voluntary and, as such, only a portion of sponsors participate. Currently, the board has approximately four hundred sponsor agreements. Sponsors agree to comply with the board's guidelines regarding program development and evaluation, and documentation requirements. Upon entering into an agreement with the board, CPE sponsors may display the following statement on their advertising materials: "We have entered into an agreement with the State of Washington Board of Accountancy to meet its continuing professional education program requirements." Approximately one hundred sponsors have been 'monitored' in the last ten years. Monitoring means a CPE committee member, or board staff, attends one of the sponsor's courses and evaluates it. To date, no course has been found unsatisfactory.

The program is designed to (1) educate CPE sponsors on the board's rules and suggested program development/evaluation guidelines, and (2) provide CPAs with a method to identify CPE sponsors who were aware of the board's requirements.

The board proposes to repeal this rule (WAC 4-25-813 Continuing professional education (CPE)—Program sponsor agreements) because:

- Program sponsors rarely state in their advertising literature that they have an agreement with the board.
- CPAs cannot differentiate between sponsors having an agreement with the board and those who do not.
- The board has monitored CPE program sponsors for nine years. During that time no course has been graded as unsatisfactory.

- The CPE committee feels the value of the program is minimal compared to the administrative costs.
- The program's primary purpose (education of sponsors and promotion of sound program development and administration procedures) can easily be accomplished through outreach and proactive customer service.
- Administration of the sponsor program entails the use of 10% of one staff's time. When you compare the value of what is accomplished through this program to areas where the agency could expand its activities no valid reason exists to continue this formal (rather bureaucratic) program.
- Elimination of this rule is consistent with the intent of Governor Locke's Executive Order: "whereby rules focus on issues of greatest need."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board proposes to repeal WAC 4-25-813 as the rule is unnecessary.

Proposal Changes the Following Existing Rules: Eliminates the voluntary sponsor agreement program offered to persons or organizations intending to sponsor programs qualifying for CPE to Washington CPAs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Cavanaugh's River Inn, Northridge Board Room, 700 North Division Street, Spokane, WA, on October 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 21, 1999, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 10, 1999

Dana M. McInturff, CPA  
Executive Director

PROPOSED

**WSR 99-19-074**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed September 16, 1999, 11:19 a.m.]

**NOTICE OF WITHDRAWAL**

The Department of Ecology hereby gives notice of the withdrawal of the proposed *State Master Program Approval/Amendment Procedures and Shoreline Master Program Guideline* amendments, chapter 173-26 WAC. The original proposal notice was filed as WSR 99-08-124 on April 7, 1999, and a continuance was filed as WSR 99-12-094 on June 1, 1999.

The Department anticipates (re)filing a new Preproposal Statement of Inquiry (CR-101) by the end of the year (1999).

September 13, 1999

Daniel J. Silver  
 Deputy Director

**WSR 99-19-081**  
**PROPOSED RULES**  
**WESTERN WASHINGTON UNIVERSITY**

[Filed September 17, 1999, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-044.

Title of Rule: Chapter 516-133 WAC, Organization.

Purpose: Update number of board of trustee members, directs requests for information regarding educational offering through the WWU Admissions Office.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Update number of board of trustee members, directs requests for information regarding educational offering through the WWU Admissions Office.

Reasons Supporting Proposal: Necessary to update the information.

Name of Agency Personnel Responsible for Drafting: Gloria McDonald, Old Main 335, Western Washington University, Bellingham, 98225, (360) 650-3968, Implementation and Enforcement: President Karen Morse, Old Main 450, Western Washington University, Bellingham, 98225, (360) 650-3180.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates number of board of trustee members, directs requests for information regarding educational offering through the WWU Admissions Office.

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

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

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, Bellingham, WA 98225, on November 23, 1999, at 11 a.m.

Assistance for Persons with Disabilities: Contact Breta Brown by November 22, 1999, TDD (360) 650-3725.

Submit Written Comments to: Gloria McDonald, fax (360) 650-6197 by November 22, 1999.

Date of Intended Adoption: December 3, 1999.

September 16, 1999

Gloria A. McDonald  
 Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

**WAC 516-133-020 Organization—Operation—Information.** (1) Organization. Western Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a ((seven)) eight-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Old Main 450, WWU  
 516 High Street  
 Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. ((Educational operations are also located at the following addresses:

~~Shannon Point Marine Center  
 1900 Shannon Point Road  
 Anacortes, WA 98221~~

~~Center for Apparel Design &  
 Fashion Merchandising  
 217 Pine, Suite 600  
 Seattle, WA 98101~~

~~TESC WWU Teachers' Education Program  
 The Evergreen State College  
 Olympia, WA 98505~~

~~WWU Seattle Urban Center  
 1801 Broadway, Room NP 101  
 Seattle, WA 98122))~~

(3) Information. Additional and detailed information concerning the educational offerings and sites may be obtained from the catalog, copies of which are available at the following address:

Registrar/Admissions Office  
Old Main 200, WWU  
516 High Street  
Bellingham, WA 98225

**WSR 99-19-082**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
(Uniform Commercial Code)  
[Filed September 17, 1999, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-091 and proposal is exempt under RCW 34.05.310(4).

Title of Rule: WAC 308-400-095 Fees.

Purpose: Amend rules to include fee increases within limits of I-601 for UCC filings and searches.

Statutory Authority for Adoption: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.

Statute Being Implemented: RCW 62A.9-409, 60.11.040, 60.13.040, and chapter 60.68 RCW.

Summary: Amend rule language to reflect fee increase within I-601 limitations.

Reasons Supporting Proposal: RCW 62A.9-409, and chapters 60.11, 60.13, and 60.68 RCW give the department authority to prescribe all filing forms, fees, and procedures for filing with and obtaining information from filing officers. Fees are being increased to support the cost of program operations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Donnellan, 405 Black Lake Boulevard, Olympia, WA, (360) 586-4905.

Name of Proponent: Department of Licensing, Uniform Commercial Code, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-400-095 Fees. Amends rule to reflect fee increases for UCC filing and searches. The anticipated UCC program revenues are less than anticipated expenditures. The program must be self-supporting so fees need to be increased to produce additional revenue.

Proposal Changes the Following Existing Rules: Amends rule language of WAC 308-400-095 to reflect fee increases for filings and searches.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Increased filing and search fees are minimal (less than \$1.00) and are in compliance with I-601 fiscal year growth factor.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, Conference Room #1, Olympia, WA 98502, on October 26, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Theresa Layne by October 15, 1999, TDD (360) 586-2788, or (360) 753-2523.

Submit Written Comments to: Jon Donnellan, Administrator, Uniform Commercial Code, P.O. Box 9660, Olympia, WA 98507-9660, fax (360) 664-2550, by October 21, 1999.

Date of Intended Adoption: October 29, 1999.

September 16, 1999

Jon Donnellan  
Administrator

AMENDATORY SECTION (Amending WSR 99-06-003, filed 2/18/99, effective 4/1/99)

**WAC 308-400-095 Fees.** (1) Beginning (~~July 1, 1993~~) December 1, 1999, a fee of twelve dollars and (~~fifty~~) ninety-one cents shall be charged for filing and indexing each of the following types of statements:

- (a) Original financing statement pursuant to RCW 62A.9-403;
- (b) Deed of trust or mortgage pursuant to RCW 62A.9-302;
- (c) Continuation statement pursuant to RCW 62A.9-403;
- (d) Separate statement of assignment pursuant to RCW 62A.9-405;
- (e) Statement of partial release pursuant to RCW 62A.9-406;
- (f) Statement of amendment pursuant to RCW 62A.9-402;
- (g) Processor or preparer lien pursuant to chapter 60.13 RCW;
- (h) Crop lien pursuant to chapter 60.11 RCW;
- (i) Notice of federal tax lien pursuant to chapter 60.68 RCW.

(2) A fee of (~~seventeen~~) eighteen dollars and (~~seventy~~) twenty-eight cents shall be charged for a certificate of information pursuant to RCW 62A.9-407.

(3) A fee of twenty-five dollars and eighty-three cents shall be charged for certificate of information and copies of any filed financing and related statements naming a particular debtor.

(4) An additional fee shall be charged for each page transmitted to the purchaser by facsimile. The fee amount shall be one dollar per page for the first five pages, and fifty cents per page for the sixth page and subsequent pages.

(5) A fee of two dollars shall be charged for each debtor name look up.

(6) A fee of one dollar shall be charged for each computer printout of filing information.

(7) A fee of two dollars shall be charged for each microfilm copy.

(8) A fee of two dollars shall be charged for the certification of each document copy.

(9) Data base information shall be made available on magnetic tape and microfilm pursuant to contract between the department and purchaser. Costs will be specified in the contract.



**WSR 99-19-084**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed September 17, 1999, 10:48 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-16-061.

Title of Rule: WAC 180-79A-241 Internship certificate.

Purpose: Repeal of the section.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: Repealer.

Reasons Supporting Proposal: On August 31, 1999, the internship pilot project was terminated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Sunnyside School District, 1110 South 6th Street, Sunnyside, WA 98944, on October 27, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 13, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, fax (360) 586-2357 by October 13, 1999.

Date of Intended Adoption: October 29, 1999.

September 16, 1999

Larry Davis

Executive Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 180-79A-241 Internship certificate.

**WSR 99-19-085**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed September 17, 1999, 10:53 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-16-062.

Title of Rule: Various sections of chapters 180-78A, 180-79A, and 180-82 WAC.

In chapter 180-78A WAC, WAC 180-78A-005 Purpose, 180-78A-074 Additional membership on professional education advisory boards, 180-78A-110 Length of time for which program approval status shall be granted, 180-78A-125 Annual reports by colleges and universities, 180-78A-220 Program approval standards for approved preparation programs, 180-78A-264 Approval standard—Program design, 180-78A-270 Approval standard—Knowledge and skills, and 180-78A-310 Program approval—Teachers, collaboration with K-12 schools.

In chapter 180-79A WAC, WAC 180-79A-030 Definitions, 180-79A-105 Equivalency of standards, 180-79A-140 Types of certificates, 180-79A-150 General requirements—Teachers, administrators, educational staff associates, 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants, 180-79A-211 Academic and experience requirements for certification—Administrators, 180-79A-213 Child abuse course work requirement for continuing certification—Administrators, 180-79A-226 Child abuse course work requirement for continuing certification—Educational staff associate, 180-79A-231 Limited certificates, 180-79A-253 Reinstatement of certificate, and 180-79A-299 Transition policies.

In chapter 180-82 WAC, WAC 180-82-202 Certificate endorsements, 180-82-210 Primary and supporting endorsements, and 180-82-215 Implementation policies.

Purpose: These are technical/editorial amendments which correct WAC references, clarify text, etc.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130 (1) and (2).

Summary: These are technical/editorial amendments which correct WAC references, clarify text, etc.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, 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.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Sunnyside School District, 1110 South 6th Street, Sunnyside, WA 98944, on October 27, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 13, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 13, 1999.

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Date of Intended Adoption: October 29, 1999.

September 16, 1999

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-005 Purpose.** In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the state board of education is establishing a ~~((newly designed))~~ performance-based preparation system for educators ~~((that will be aligned with these efforts))~~. The intent of the performance-based preparation system is to ensure that educators can demonstrate a positive impact on student learning as the foundation for preparing students to ~~((effectively))~~ participate effectively in a diverse and democratic society. This chapter establishes the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by institutions of higher education in Washington state leading to teacher, administrator, and educational staff associates certification. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (ESHB 1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-110 Length of time for which program approval status shall be granted.** (1) The state board of education shall approve all preparation programs under the 1997 program approval standards for five years unless the state board approves a variation with the exception of new programs approved for up to two years under WAC ~~((180-78A-028))~~ 180-78A-105.

(2) The superintendent of public instruction, upon receipt of a complaint from any source or upon her or his initiative, or initiative of the state board may review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations are found, the state board is authorized to rescind program approval until the college or university submits an acceptable compliance agreement which will bring the preparation program into compliance as soon as reasonably practicable, but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the preparation program shall be placed on probationary status and the probationary status provision of WAC 180-78A-115 shall apply.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-125 Annual reports by colleges and universities.** Each college or university offering an approved preparation program shall submit by July 31 of each year annual reports covering the period from July 1 of the previous year to June 30 of the current year, containing the following:

- (1) An executive summary of the activities of each professional education advisory board.
- (2) Other material related to the preparation programs requested by the state board of education.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-220 Program approval standards for approved preparation programs.** The program approval standards for approved preparation programs for teachers, administrators, and educational staff associates are as follows:

(1) **Professional education advisory boards:** The college or university, in ~~((conformance))~~ compliance with the provisions of WAC 180-78A-250, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each preparation program—i.e., teacher, administrator, school counselor, school psychologist, and school social workers.

(2) **Accountability:** Each college or university, in ~~((conformance))~~ compliance with the provision of WAC 180-78A-255, has established a performance-based preparation program.

(3) **Resources:** A separate college, school, department, or other administrative unit within the college or university, in ~~((conformance))~~ compliance with the provision of WAC 180-78A-261, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in ~~((conformance))~~ compliance with the provision of WAC 180-78A-264, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each college or university, in ~~((conformance))~~ compliance with the provision of WAC 180-78A-270, has established policies requiring all candidates for certification to demonstrate knowledge and skills required for the particular certificate and areas of endorsement and which reflect the state's learning goals and essential academic learning requirements.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-264 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The curriculum is guided by a conceptual framework and is based on current research and best practice, is cohesive and integrated, is performance-based, and supports the state's student learning goals and for teacher preparation programs, reflects the essential academic learning requirements.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Candidates attain/demonstrate academic competence in the educator role for which they are being prepared.

(4) A set of criteria/performances for program completion are established and published.

(5) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(6) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(7) Candidates complete an internship in which they demonstrate the required knowledge and skills: Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university in any of the subject areas of the endorsements listed in chapter 180-82 WAC: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 180-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be

required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-270 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(5):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

**Foundational knowledge**

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and the ((~~essential areas of study~~)) knowledge and skills for each endorsement area for which the candidate is applying (chapter ((~~180-79A~~)) 180-82 WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(k) The standards, criteria and other requirements for obtaining the professional certificate.

**Effective teaching**

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural or linguistic backgrounds.

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(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and research-based intervention strategies.

(r) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

#### **Professional development**

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

(2) **PRINCIPAL AND PROGRAM ADMINISTRATOR.** Effective August 31, 1997, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(iii) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(ix) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for

program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) **Sensitivity:** Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensitivities.

(xvi) **Oral expression:** Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) **Philosophical and cultural values:** Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(xix) **Legal and regulatory applications:** Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) **Policy and political influences:** Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) **Public and media relationships:** Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(3) **SUPERINTENDENT.** Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) **Strategic leadership:** The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

(i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) **SCHOOL COUNSELOR.** School counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, vocational, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) **SCHOOL PSYCHOLOGIST.** School psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

(i) Learning theory.

(ii) Personality theory and development.

(iii) Individual and group testing and assessment.

(iv) Individual and group counseling and interviewing theory and techniques.

(v) Basic statistics.

(vi) Child development.

(vii) Exceptional children.

(viii) Social and cultural factors.

(ix) Deviant personality.

(x) Curriculum, including the state learning goals and essential academic learning requirements.

(xi) Research design.

(xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

(i) Intellectual and cognitive assessment.

(ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.

(iii) Personality assessment.

(iv) Assessment of perceptual skills.

(v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

(i) Data taking.

(ii) Frequency measures.

(iii) Qualitative and quantitative analysis of classroom behavior.

(iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

(i) Provide individual and group counseling to students and parents.

(ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

(i) Function on multidisciplinary teams in evaluating and placing students.

(ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

(i) Research. The candidate has knowledge and skill to:

(i) Evaluate and perform research.

(ii) Apply school-oriented research.

(iii) Construct criterion-referenced instruments with reference to such educational decisions as:

(A) Retention in grade.

(B) Acceleration and early entrance.

(C) Early entrance.

(6) **SCHOOL SOCIAL WORKER.** School social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:

(i) Values.

(A) Knowledge of profession including values, skills, and ethics; and

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

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- (B) Collaborate and consult with other educational staff to assure student progress;
  - (C) Use computer technology for practice and efficiency;
  - (D) Develop strategies for increased parental and community involvement with the school;
  - (E) Develop programs of remediation for students and their families;
  - (F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;
  - (G) Provide staff development programs;
  - (H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and
  - (I) Function as change agents.
- (c) Research and evaluation. The candidate will have necessary skills and knowledge to:
- (i) Collect and interpret data in order to evaluate student, school, and community needs;
  - (ii) Evaluate own practice;
  - (iii) Become consumer of research findings;
  - (iv) Understand use of program evaluation methods; and
  - (v) Utilize computer technology for research and evaluation.
- (d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following:
- (i) State learning goals and essential academic learning requirements;
  - (ii) Theories of learning;
  - (iii) School law and professional ethics;
  - (iv) Computer technology in the workplace; and
  - (v) Understanding of policies, laws, and procedures.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-310 Program approval—Teachers, collaboration with K-12 schools.** An approved preparation program annually shall develop and implement a plan to enhance the level of collaboration and interaction between the program's faculty and K-12 schools in the state. The plan shall require, to the maximum extent feasible, that each member of the full-time teacher preparation faculty annually provide instruction to students in the K-12 classroom in a public or approved private school setting in the state of Washington, during the regular school year. The instruction that will be provided must be in accordance with RCW ((28A.405.010)) 28A.410.025 and applicable state board of education rules.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 180-78A-074	Additional membership on professional education advisory boards.
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**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-030 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 180-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended or regained.

(4) "Classroom teaching" means instructing pupils in an instructional setting.

(5) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302 as now or hereafter amended. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

(6) "Child abuse course work requirement" means completion of course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(7) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

((7)) (8) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

**AMENDATORY SECTION** (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

**WAC 180-79A-105 Equivalency of standards.** Reasonable flexibility in interpretation of the requirements for certification may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. ((For example, advanced degrees in the same or related fields may be substituted for required lesser degrees.)) An annual report



of the use of this rule shall be submitted to the state board of education by the superintendent of public instruction.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-140 Types of certificates.** ((Seven))

Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The vocational certificate authorizes service in vocational programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Internship. The internship certificate is issued to individuals who meet the qualifications for it and are participating in the internship pilot project as described in WAC 180-79A-241.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-230:

(a) Conditional certificate.

(b) Substitute certificate.

(c) Emergency certificate.

(d) Emergency substitute certificate.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates.** The following requirements are to be met by candidates for certification as teachers including vocational teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state

teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-155 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: Provided, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-257.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-257, ((180-79A-230, 180-79A-236)) 180-79A-231, and 180-79A-241 and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must hold a valid teacher's certificate, excluding certificates issued under WAC ((180-79A-230, 180-79A-236,)) 180-79A-231 or 180-79A-241, or comparable out-of-state certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, or program administrator certificate; excluding certificates issued under WAC ((180-79A-230, 180-79A-236,)) 180-79A-231 or 180-79A-241, or comparable out-of-state certificates.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants.** All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean,

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or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) If the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a ((professional)) certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-211 Academic and experience requirements for certification—Administrators.** Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty

days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a master's degree and have completed an approved program for the preparation of principals.

(ii) Candidates applying for initial principal's certificates who were admitted to a principal preparation program prior to August 31, 1998, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate who were admitted to a principal preparation program on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall hold an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC ((180-78A-165)) 180-78A-270(2);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(iv) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy or physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy, physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-213 Child abuse course work requirement for continuing certification—Administrators.** Candidates who apply for a continuing administrator certificate after August 31, 1994, must have successfully completed ~~((course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention))~~ the child abuse course work requirement as defined in WAC 180-79A-030(6).

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-226 Child abuse course work requirement for continuing certification—Educational staff associate.** Candidates who apply for a continuing educational staff associate certificate after August 31, 1994, must have successfully completed ~~((course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the~~

~~impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention))~~ the child abuse course work requirement as defined in WAC 180-79A-030(6).

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-231 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at

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the time of program completion and who have served in the role for three of the last seven years.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive

school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (2)(c) and (d).

(b) The substitute certificate is valid for life(~~—Provided, That if the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate).~~)

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible

to serve as a teacher in the elementary or secondary schools of the country of residence.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-253 Reinstatement of certificates.**

Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing (~~(professional)~~) certificate at the time of application for reinstatement of such certificate must submit the following:

- (1) Character evidence as required by WAC 180-79A-150(2) for candidates for certification.
- (2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.
- (3) Provided, That no certificate may be reinstated if more than five calendar years has passed since the date of surrender or revocation; however, such applicants may apply pursuant to WAC 180-79A-124 for a new certificate under requirements in effect at the time of application.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-299 Transition policies.** The transition to the endorsement policies described in chapter 180-82 WAC will include the following policies:

- (1) Endorsement requirements as described in WAC 180-79A-300 through 180-79A-398 shall sunset effective August 31, 2000.
- (2) Candidates for endorsements on teacher certificates on, or before, August 31, 2000, shall meet requirements as described in WAC 180-79A-300 through 180-79A-398; after August 31, 2000, candidates for endorsements on teacher certificates shall meet requirements as described in chapter 180-82 WAC.
- (3) Colleges and universities may permit an individual accepted into programs in Washington state on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC 180-79A-300 through 180-79A-398, if the individual completes the endorsement program on, or before, August 31, 2003, and the college or university verifies endorsement program completion to the superintendent of public instruction on, or before, December 31, 2003.

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-202 Certificate endorsements.** Teacher certificates shall be endorsed as follows:

- (1) **All levels:**
  - (a) Bilingual education, (supporting).
  - (b) Designated arts: Dance, (supporting).
  - (c) Designated arts: Drama, (supporting).
  - (d) Designated arts: Music: Choral, instrumental or general, (primary).
  - (e) Designated arts: Visual arts, (primary).
  - (f) Designated world languages, (primary and supporting).

- (g) English as a second language, (supporting).
- (h) Health/fitness, (primary).
- (i) Library media, (primary and supporting).
- (j) Reading, (primary and supporting).
- (k) Special education, (primary).
- (2) **Early childhood** (~~(education, (primary and supporting))~~):
  - (a) Early childhood education, (primary and supporting).
  - (b) Early childhood special education, (primary).
  - (3) **Elementary education**, (primary).
  - (4) **Middle level**, (primary).
  - (5) **Secondary level:**
    - (a) Designated science: Biology, (primary and supporting).
    - (b) Designated science: Chemistry, (primary and supporting).
    - (c) Designated science: Earth science, (primary and supporting).
    - (d) Designated science: Physics, (primary and supporting).
    - (e) Designated vocational/technical: Agriculture education, business education, family and consumer sciences education, marketing education, (primary).
    - (f) English, (primary).
    - (g) English/language arts, (primary).
    - (h) History, (primary).
    - (i) Mathematics, (primary and supporting).
    - (j) Science, (primary).
    - (k) Social studies, (primary).
  - (6) Traffic safety endorsements may be noted on certificates issued under chapter 180-79A WAC if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-210 Primary and supporting endorsements.** (1) All endorsements obtained under the requirements in chapter 180-82 WAC shall be designated as either primary or supporting endorsements on teaching certificates.

(2) All candidates for teaching certificates shall be required to obtain a primary endorsement (~~(which shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area)~~).

(3) Primary endorsements shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area: Provided, That primary endorsements for broad area endorsements (i.e., English/language arts, science, and social studies) shall require sixty quarter credit hours (forty semester credit hours) of academic study (or its equivalent) in the endorsement area.

(4) Supporting endorsements shall require a minimum of twenty-four quarter credit hours (sixteen semester credit hours) of academic study (or its equivalent) in the endorsement area(~~(= Provided, That supporting endorsements for~~

~~broad area endorsements shall require thirty quarter credit hours (twenty semester credit hours) of academic study in the endorsement area).~~

((4)) (5) The state board of education or its designee may establish performance/competency criteria for obtaining an endorsement.

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-215 Implementation policies.** (1) All teachers who obtain endorsements after August 31, 2000, shall meet the requirements in chapter 180-82 WAC: Provided, That colleges and universities may permit an individual accepted into programs in Washington state on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC 180-79A-300 through 180-79A-398, if the individual completes the endorsement program on, or before, August 31, 2003, and the college or university verifies endorsement program completion to the superintendent of public instruction on, or before, December 31, 2003: Provided further, That the state board of education or its designee may waive this requirement on a case-by-case basis.

(2) Teachers applying for a continuing or professional certificate after August 31, 2000, shall be required to obtain only one endorsement.

**WSR 99-19-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed September 17, 1999, 2:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-05-051 and 98-05-052.

Title of Rule: WAC 388-513-1340 Institutional—Exempt income, 388-513-1345 Institutional—Disregarded income, and 388-515-1505 Community options program entry system (COPES).

Purpose: WAC 388-513-1340 and 388-513-1345, federal law exempts funds received under the *Susan B. Walker v. Bayer Corporation et al.* 96-C-5024 (N.D.III. May 8, 1997) class settlement as income when determining institutional Medicaid eligibility and post eligibility. Certain veterans' benefits (currently exempt) will be considered as income when determining Medicaid post eligibility. WAC 388-515-1505, the rule will be amended to allow: (1) COPES-eligible individuals living in residential settings to retain a personal maintenance allowance of \$58.84, and (2) certain veterans will be allowed to retain a personal maintenance allowance of \$90.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 42 C.F.R. 435.601, 42 C.F.R. 435.725-726, and Section 4715 and 4735 of the Federal Balanced Budget Act of 1997 (P.L. 105-33)(H.R. 2015).

Statute Being Implemented: Section 4715 and 4735 of the Federal Balanced Budget Act of 1997 (P.L. 105-33)(H.R. 2015), and RCW 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: Most of the changes proposed are beneficial to clients receiving institutional medical care. The lone exception - certain veterans' benefits which have been exempt will now be considered as income when determining Medicaid post eligibility - is a change mandated by federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephen Kozak, Medical Assistance Administration, 617 8th Avenue S.E., Olympia, WA 98504-5530, (360) 586-1034.

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

Rule is necessary because of federal law, Citation: Section 4715 and 4735 of the Federal Balanced Budget Act of 1997 (P.O. 105.33)(H.R. 2015).

Explanation of Rule, its Purpose, and Anticipated Effects: To incorporate the following federal changes: Funds received under the *Susan B. Walker v. Bayer Corporation et al.* 96-C-5024 (N.D.III. May 8, 1997) class settlement are considered exempt income when determining institutional Medicaid eligibility and post eligibility; certain veterans' benefits that were exempt will now be considered as income when determining institutional Medicaid post eligibility; and certain veterans will be allowed to retain a personal maintenance allowance of \$90. The department is also increasing the amount a person who is COPES-eligible is allowed to retain for their personal maintenance.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not impact small businesses.

RCW 34.05.328 applies to this rule adoption. These rules do fit the definition of a significant legislative rule but DSHS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 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 26, 1999.

Date of Intended Adoption: No sooner than October 27, 1999.

September 10, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending Order 3819, filed 12/28/94, effective 1/28/95)

**WAC 388-513-1340 (~~Institutional-Exempt~~)**

**Determining excluded income for long-term care (LTC) services.** ((The department shall consider a client's income exemptions as unavailable income when determining initial institutional eligibility or post-eligibility. The department shall exempt sequentially from income:

- (1) Any public agency's refund of taxes paid on real property or on food;
- (2) Supplemental security income (SSI) and state public assistance based on financial need;
- (3) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;
- (4) Child support received by a parent from an absent parent, for a minor child who is not institutionalized;
- (5) Tax exempt payments received by Alaska natives under the Alaska Native Claims Act;
- (6) Tax rebates or special payments excluded by other statutes;
- (7) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, The Domestic Volunteer Service Act of 1973;
- (8) Veteran's Administration benefits designated for:
  - (a) The veteran's dependent;
  - (b) Unusual medical expense; and
  - (c) Aid and attendance and housebound allowance.
- (9) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, for example, chore services;
- (10) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;
- (11) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;
- (12) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;
- (13) Payments under sections 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;
- (14) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;
- (15) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383;
- (16) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;
- (17) The amount of blindness-related work expenses of a blind client;
- (18) Interest earned on excluded burial funds and any appreciation in the value of an exempt burial arrangement which are left to accumulate and become part of the sepa-

ately identified burial funds set aside on or after November 1, 1982;

- (19) Earned income tax credit (EITC); and
- (20) Victim's compensation)) This section describes income the department excludes when determining a client's eligibility and participation in the cost of care for LTC services with the exceptions described in subsections (29) and (32).
  - (1) Crime victim's compensation;
  - (2) Earned income tax credit (EITC);
  - (3) Native American benefits excluded by federal statute (refer to WAC 388-450-0040);
  - (4) Tax rebates or special payments excluded by other statutes;
  - (5) Any public agency's refund of taxes paid on real property and/or on food;
  - (6) Supplemental Security Income (SSI) and certain state public assistance based on financial need;
  - (7) The amount a representative payee charges to provide services when the services are a requirement for the client to receive the income;
  - (8) The amount of expenses necessary for a client to receive compensation, e.g., legal fees necessary to obtain settlement funds;
  - (9) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, and/or other necessary educational expenses at any educational institution;
  - (10) Child support payments received from an absent parent for a minor child who is not institutionalized;
  - (11) The amount of expenses related to impairments of a permanently and totally disabled client that allow the client to work;
  - (12) Self-employment income allowed as a deduction by the Internal Revenue Service (IRS);
  - (13) Payments to prevent fuel cut-offs and to promote energy efficiency that are excluded by federal statute;
  - (14) Assistance (other than wages or salary) received under the Older Americans Act;
  - (15) Assistance (other than wages or salary) received under the foster grandparent program;
  - (16) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;
  - (17) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement that are left to accumulate and become part of the separately identified burial funds set aside;
  - (18) Tax exempt payments received by Alaska natives under the Alaska Native Settlement Act established by P.L. 100-241;
  - (19) Compensation provided to volunteers in ACTION programs under the Domestic Volunteer Service Act of 1973 established by P.L. 93-113;
  - (20) Payments made from the Agent Orange Settlement Fund or any other funds to settle Agent Orange liability claims established by P.L. 101-201;
  - (21) Payments made under section six of the Radiation Exposure Compensation Act established by P.L. 101-426;

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(22) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry established by P.L. 100-383;

(23) Payments made under sections 500 through 506 of the Austrian General Social Insurance Act;

(24) Payments made from *Susan Walker v. Bayer Corporation, et. al.*, 95-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds;

(25) Payments made from the Ricky Ray Hemophilia Relief Fund Act of 1998 established by P.L. 105-369;

(26) Payments made under the Disaster Relief and Emergency Assistance Act established by P.L. 100-387;

(27) Payments made under the Netherlands' Act on Benefits for Victims of Persecution (WUV);

(28) Payments made to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act;

(29) Interest earned from payments described in subsections (23) through (28) is considered available and counted as nonexcluded income;

(30) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, e.g., chore services;

(31) Department of Veterans Affairs benefits designated for:

(a) The veteran's dependent;

(b) Unusual medical expenses, aid and attendance allowance, and housebound allowance, with the exception described in subsection (32);

(32) Benefits described in subsection (31)(b) for a client who resides in a state veterans' home and has no dependents are excluded when determining eligibility, but are considered available when determining participation in the cost of care.

AMENDATORY SECTION (Amending Order 3819, filed 12/28/94, effective 1/28/95)

WAC 388-513-1345 **Determining disregarded income for institutional**(~~—Disregarded income~~) **or hospice services under the medically needy (MN) program.** (~~The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-513-1380 for post-eligibility treatment of income. The department shall disregard sequentially from income:)~~ This section describes income the department disregards when determining a client's eligibility for institutional or waived services under the MN program. The department considers disregarded income available when determining a client's participation in the cost of care.

(1) The department disregards the following income amounts in the following order:

(a) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

((a)) (i) Twenty dollars per month if unearned; or

((b)) (ii) Ten dollars per month if earned.

((2)) (b) The first twenty dollars per month of earned or unearned income(~~The department may not exclude~~), unless the income paid to a client (~~on the basis of~~) is:

(i) Based on need; and ((is))

(ii) Totally or partially funded by the federal government or ((by)) a private agency.

((3)) (2) For ((an SSI-related person)) a client who is related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1), the first sixty-five dollars per month of earned income not ((exempted)) excluded under WAC 388-513-1340, plus one-half of the remainder.

((4)) (3) For ((an AFDC)) a TANF/SFA-related ((person, the first ninety dollars)) client, fifty percent of gross earned income.

(4) Department of Veterans Affairs benefits if:

(a) Those benefits are designated for:

(i) Unusual medical expenses;

(ii) Aid and attendance allowance; or

(iii) Housebound allowance; and

(b) The client:

(i) Resides in a state veterans' home; and

(ii) Has no dependents.

(5) ((Money voluntarily withheld from SSA Title II benefits by)) **Income** the Social Security Administration (SSA) withholds from SSA Title II benefits for the recovery of an SSI overpayment(~~and~~

(6) A fee charged by a guardian as reimbursement for provided services, when such guardianship services are a requirement for the client to receive payment of the income)).

AMENDATORY SECTION (Amending Order 100346, filed 6/27/96, effective 7/28/96)

WAC 388-515-1505 **Community options program entry system (COPEs).** ((1) The department shall determine a person eligible for COPEs when a person is eighteen years of age or over and:

(a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPEs, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(b) Requires the level of care provided in a nursing facility;

(c) Has a department approved plan of care that meets the eligibility requirements for COPEs personal care as described under WAC 388-15-610; and

(d) Is able and chooses to reside at home with community support services, in a:

(i) Congregate care facility (CCF);

(ii) Licensed adult family home (AFH); or

(iii) Licensed boarding home (LBH).

(e) Is institutionalized, or the department determines is likely to be institutionalized within the next thirty days in the absence of waived services under WAC 388-15-615.

(2) The department shall exempt SSI income from participation in the cost of COPEs care.

(3) The department shall allocate available income of the SSI-related COPEs client as described under WAC 388-513-



~~1380 (1), (2), (3), (4), (d), (e), (f), (g), and (h), (5), and (6). The client shall retain for maintenance needs an amount equal to:~~

~~(a) For a single person or a married person not living with a community spouse, one hundred percent of the one-person Federal Poverty Level (FPL);~~

~~(b) For a married couple who are both receiving COPES, one hundred percent of the one-person FPL for each person; or~~

~~(c) For a married person living with a community spouse, the one-person MNIL;~~

~~(4) The SSI-related client residing in a CCF, AFH, or LBH shall:~~

~~(a) Retain from a maintenance needs amount, a personal needs allowance of fifty dollars; and~~

~~(b) Pay the remaining maintenance needs amount to the facility for the cost of board and room.~~

~~(5) The department shall include the remaining income after allocations as the participation amount for COPES services as described under WAC 388-15-620)) This section describes the financial eligibility requirements for waived services under the COPES program and the rules used to determine a client's participation in the cost of care.~~

~~(1) The department establishes eligibility for COPES for a client who:~~

~~(a) Is eighteen years of age or older;~~

~~(b) Meets the disability criteria of the Supplemental Security Income (SSI) program as described in WAC 388-503-0501(1);~~

~~(c) Requires the level of care provided in a nursing facility;~~

~~(d) Is in a medical facility, or will likely be placed in one within the next thirty days in the absence of waived services described in WAC 388-15-620;~~

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

~~(f) Has been determined to be in need of waived services and is approved for a plan of care as described in WAC 388-15-610;~~

~~(g) Is able to live at home with community support services and chooses to do so, or in a department-contracted:~~

~~(i) Adult residential care (ARC) facility;~~

~~(ii) Enhanced adult residential care (EARC) facility;~~

~~(iii) Licensed adult family home (AFH); or~~

~~(iv) Assisted living (AL) facility.~~

~~(h) Is not subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1365 and 388-513-1366; 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 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 SSI income in the cost of care. Such a client who is:

(a) Living at home, retains a maintenance needs amount as described in subsection (5); or

(b) Living in an ARC, EARC, AFH, or AL:

(i) Retains a personal needs allowance (PNA) of fifty-eight dollars and eighty-four cents; and

(ii) Pays remaining SSI income to the facility for the cost of board and room.

(4) A client who is eligible for the general assistance expedited Medicaid disability (GAX) program does not participate in the cost of care. Such a client who is:

(a) Living at home, retains a maintenance needs amount as described in subsection (5); or

(b) Living in an ARC, EARC, AFH, or AL:

(i) Retains a PNA of thirty-eight dollars and eighty-four cents; and

(ii) Pays remaining income and GAX grant to the facility for the cost of board and room.

(5) An SSI-related client living at home retains a maintenance needs amount equal to the following:

(a) Up to one hundred percent of the one-person Federal Poverty Level (FPL), if the client is:

(i) Single; or

(ii) Married, and is:

(A) Not living with the community spouse; or

(B) Whose spouse is receiving long-term care (LTC) services outside of the home.

(b) Up to one hundred percent of the one-person FPL for each client, if both are receiving COPES services;

(c) Up to the one-person medically needy income level (MNIL) for a married client who is living with a community spouse who is not receiving COPES.

(6) An SSI-related client living in an ARC, EARC, AFH, or AL receives a maintenance needs amount equal to the one-person MNIL and:

(a) Retains a PNA taken from the MNIL of fifty-eight dollars and eighty-four cents; and

(b) Pays the remainder of the MNIL to the facility for the cost of board and room.

(7) The client's income that remains:

(a) After allocations described in subsection (5) or (6) is allocated as described in WAC 388-513-1380(1), (2)(b) through (e), (3) and (4); and

(b) After allocations described in subsection (7)(a) is the client's participation in the cost of care.

WSR 99-19-109

PROPOSED RULES

ATTORNEY GENERAL'S OFFICE

[Filed September 20, 1999, 4:01 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 99-15-079.

Title of Rule: WAC 44-10-010 Definitions, 44-10-170 Powers and duties of arbitrators, and 44-10-200 The arbitration decision.

Purpose: New Motor Vehicle Warranties Act, chapter 19.118 RCW, amend chapter 44-10 WAC to implement chapter 298, Laws of 1998. Make editorial and minor procedural revisions to reflect attorney general resale disclosure forms.

Statutory Authority for Adoption: RCW 19.118.080(2), 19.118.061, and section 6, chapter 298, Laws of 1998.

Statute Being Implemented: Chapter 19.118 RCW and section 6, chapter 298, Laws of 1998.

Summary: Change definition of "Lemon Law resale disclosure" to reflect the current use of a combined disclosure, certification of repair and disclosure manufacturer warranty form. Identify authority and procedures of an arbitrator to distribute motor home manufacturer liability pursuant to section 6, chapter 298, Laws of 1998, regarding motor homes purchased after June 30, 1998.

Reasons Supporting Proposal: Conform rules to 1998 statutory revisions, make editorial modifications and minor procedural changes in practices of the attorney general and arbitration board. Purpose is to accomplish reasoned and predictable procedures for the administration of the Lemon Law program, the dispute resolution mechanism, consistency in arbitration decisions, compliance with arbitration awards and enforcement of statutory disclosures upon resale of subject vehicles.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul N. Corning, Seattle, (206) 464-6372; and Enforcement: H. Regina Cullen, Seattle, (206) 464-6261.

Name of Proponent: Washington Attorney General's Office, governmental.

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

Proposal Changes the Following Existing Rules: WAC 44-10-010 Definitions.

- Modify format of "definitions" to current standard.
- Add "settlement" to "Lemon Law resale windshield display" to update to current procedures and clarify the disclosure requirement.
- Delete "notice of correction and warranty" and add repair and warranty disclosure to "Lemon Law resale disclosure" to reduce paperwork and increase effectiveness of disclosure procedure; updates to reflect current procedure of using a single multi-purpose disclosure resale form.

WAC 44-10-170 Powers and duties of arbitrators.

- Update to reflect section 6, chapter 298, Laws of 1998.

WAC 44-10-200 The arbitration decision.

- Update to reflect section 6, chapter 298, Laws of 1998, and establish procedures and standards for an arbitrator to distribute liability for an arbitration award among manufacturers of motor homes sold after June 30, 1998.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because the changes are designed to increase clarity and efficiencies, the agency expects this rule to have no negative small business impact. For a copy of the complete economic compliance document or summary, please contact Paul N. Corning, Lemon Law Administrator, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 34.05.328 (5)(a), the section does not apply to this rule adoption and this agency is not required to comply with this section.

Hearing Location: Attorney General's Office, 900 4th Avenue, Suite 2000, Seattle, WA 98164-1012, on November 2, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Paul N. Corning by November 2, 1999, TDD (206) 464-7293, or (206) 464-6372.

Submit Written Comments to: Paul N. Corning, fax (206) 464-6451, by November 1, 1999.

Date of Intended Adoption: November 2, 1999.

September 17, 1999

Paul N. Corning

Lemon Law Administrator

**AMENDATORY SECTION** (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-010 Definitions.** Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

~~((1) The phrase)~~ "Arbitration special master" means the individual or group of individuals selected by the board to hear and decide special issues timely brought before the board ~~((by the parties))~~.

~~((2) The terms)~~ "Attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.

~~((3) The phrase)~~ "Intervening transferor" means any person or entity which receives, buys or otherwise transfers the returned new motor vehicle prior to the first retail transfer, sale or lease subsequent to being repurchased or replaced by the manufacturer.

~~((4) The phrase)~~ "Lemon Law resale documents" refers to the following:

~~((a))~~ (1) "Lemon Law resale windshield display" means a document created and provided by the attorney general which identifies that: ~~((i))~~ (a) The vehicle was reacquired by the manufacturer after a determination, settlement or adjudication of a dispute; ~~((ii))~~ (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and ~~((iii))~~ (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer.

~~((b))~~ (2) "Lemon Law resale disclosure": Means a document created and provided by the attorney general which identifies that: ~~((a))~~ (a) The vehicle was reacquired by the manufacturer after a settlement, determination or adjudication of a dispute; ~~((b))~~ (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and ~~((c))~~ (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer. The document will provide space for the manufacturer to indicate if each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.

~~((c))~~ "Notice of correction and warranty" means a document created and provided by the attorney general which identifies each nonconformity or serious safety defect which was the basis of the settlement, determination or adjudication of the dispute. The document will provide space for the manufacturer to indicate whether each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.

~~((d))~~ (3) "Notice of out-of-state disposition of a reacquired vehicle" refers to a document created and provided by the attorney general which requires the manufacturer, agent or dealer to identify the destination state and the dealer, auction, other person or entity to whom the manufacturer sells or otherwise transfers the reacquired vehicle when the vehicle is taken to another state for any disposition, including: resale, transfer or destruction.

~~((5))~~ "Person" includes every natural person, firm, partnership, corporation, association, or organization.

~~((6))~~ "Settlement" means the resolution of a dispute, under chapter 19.118 RCW, between the consumer and manufacturer after the new motor vehicle arbitration board has accepted the consumer's request for arbitration and which results in the manufacturer reacquiring the new motor vehicle directly or indirectly through an agent or a motor vehicle dealer.

~~((7))~~ "Similar law of another state" refers to the law of another state which creates remedies for a manufacturer's failure to conform a vehicle to its warranty and under which the vehicle was reacquired by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-170 Powers and duties of arbitrators.** (1) Arbitrators shall have the duty to conduct fair and impartial hearings, to take all necessary actions to avoid delay in the disposition of proceedings, to maintain order, and to meet the sixty day time frame required by RCW 19.118.090 for the rendering of a decision. They shall have all powers necessary to meet these ends including, but not limited to, the power:

(a) To consider any and all evidence offered by the parties which the arbitrator deems necessary to an understanding and determination of the dispute;

(b) To regulate the course of the hearings and the conduct of the parties, their representatives and witnesses;

(c) To schedule vehicle inspection by the technical experts, if deemed necessary, at such time and place as the arbitrator determines;

(d) To continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator determines that additional information is necessary in order to render a fair and accurate decision. Such continuance shall be held within ten calendar days of the initial hearing;

(e) To impose sanctions for failure of a party to comply with a subpoena pursuant to RCW 19.118.080 (2)(b);

(f) To calculate and order the joint and several liability for compliance obligations of motor home manufacturers as part of an arbitration decision when ordering repurchase or replacement of a new motor vehicle.

(2) The board shall maintain an adequate pool of trained arbitrators and is responsible for the assignment of arbitrators to arbitration hearings. The selection and assignment of arbitrators is not subject to the approval of either party.

(3) Arbitrators must not have a personal interest in the outcome of any hearing, nor be acquainted with any of the participants except as such acquaintance may occur in the hearing process, nor hold any prejudice toward any party. Arbitrators shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle. Arbitrators shall maintain their impartiality throughout the course of the arbitration proceedings.

(a) An arbitrator shall sign a written oath prior to the commencement of each arbitration hearing to which he or she has been assigned, attesting to his or her impartiality in that case.

(b) There shall be no direct communication between the parties and the arbitrators other than at the arbitration hearing. Any other oral or written communications between the parties and the arbitrators shall be channeled through the board. Any prohibited contact shall be reported by the arbitrators to the board and noted in the case record.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-200 The arbitration decision.** (1) The arbitration board shall send the decision to the parties in each case within sixty calendar days of acceptance of the request for arbitration:

(a) All decisions shall be written, in a form to be provided by the attorney general, dated and signed by the arbitrator, and sent by certified mail to the parties;

(b) The date of mailing of the arbitration decision shall determine compliance with the sixty day requirement to issue an arbitration decision;

(c) The written decision shall contain findings of fact and conclusions of law as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) If the consumer prevails and has elected repurchase of the vehicle, the decision shall include the statutory calculations used to determine the monetary award;

(ii) If the consumer prevails and has elected replacement of the vehicle, the decision shall identify or describe a reasonably equivalent replacement vehicle and any refundable incidental costs;

(iii) If the consumer prevails and the manufacturer is represented by counsel, the decision shall include a description

of the awarded reasonable costs and attorneys' fees incurred by the consumer in connection with board proceedings.

Reasonable costs and attorneys' fees shall be determined by the arbitrator based on an affidavit of costs and fees prepared by the consumer's attorney and submitted no later than the conclusion of the arbitration hearing. The affidavit may be amended for post-hearing costs and fees. The amended affidavit of costs and fees must be delivered to the manufacturer's designated representative by certified mail or personal service and a copy submitted to the arbitration board by the consumer's attorney within thirty days of the consumer's acceptance of the decision but in no case after a manufacturer's compliance with a decision.

(2) Upon request of a party, an arbitrator shall make factual findings and modify the offset total where the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space is significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home in an arbitration decision awarding repurchase or replacement of a new motor vehicle originally purchased or leased at retail after June 30, 1998. An arbitrator will consider the actual amount of time that portions of the motor home were in use as dwelling, office or commercial space. The arbitrator shall not consider wear and tear resulting from:

(a) Defects in materials or workmanship in the manufacture of the motor home including the dwelling, office or commercial space;

(b) Reasonable modifications; or

(c) Repairs.

The modification to the reasonable offset for use may not result in the addition or reduction of the offset for use calculation by more than one-third. The modification shall be specified as a percentage for reduction or addition to the offset calculation. The modification to the reasonable offset for use shall apply to the offset calculation at the time of repurchase or replacement of the motor home.

(3) An arbitrator shall assign joint and several liability to a motor home manufacturer in an arbitration decision awarding repurchase or replacement of a new motor vehicle originally purchased or leased at retail after June 30, 1998, based on findings of sixty or more days out of service due to diagnosis or repair of one or more nonconformities to which other motor home manufacturers contributed attempts to diagnose or repair, or based on findings of existing nonconformities and serious safety defects. When calculating the distribution of liability for compliance obligations of motor home manufacturers the arbitrator's calculation shall specify the minimum contribution percentage for each liable motor home manufacturer of the total compliance obligation.

A motor home manufacturer may present testimony and other evidence regarding compliance liability at the conclusion of the arbitration hearing. To the extent that terms are specific and complete, an arbitrator shall include in the arbitration decision the terms for liability distribution of compliance obligations that have been agreed to and proposed by the liable motor home manufacturers.

In assigning joint and several liability to a motor home manufacturer an arbitrator shall specify that the lack of com-

pliance, late or delayed compliance, or the filing of an appeal by a liable motor home manufacturer shall not affect the obligation of another liable motor home manufacturer to independently comply with the arbitration decision except where the findings do not meet the requirements of RCW 19.118.041(3) for independent liability by the manufacturer.

(4) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by the consumer, indicating acceptance or rejection of the decision. The board shall forward general information to the consumer explaining the consumer's right to appeal the decision to superior court. The consumer must return the form to the board within sixty calendar days from the date of the consumer's receipt of the decision.

~~((3))~~ (5) The consumer shall have one hundred twenty calendar days from the date of the rejection of the decision to file a petition of appeal in superior court. At the time of filing an appeal, the consumer shall deliver by certified mail or by personal service a conformed copy of the petition to the attorney general.

~~((4))~~ (6) If the consumer accepts a decision which awards repurchase or replacement, the board shall send a copy of the form completed by the consumer indicating acceptance by certified mail to the manufacturer and shall include a manufacturer's intent form.

A verification of compliance form shall be sent to the consumer by the attorney general's office. The verification of compliance form shall be completed and returned to the attorney general by the consumer upon the manufacturer's compliance with the decision.

## WSR 99-19-116

### PROPOSED RULES

#### DEPARTMENT OF PERSONNEL

[Filed September 21, 1999, 10:28 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-56-118 Relocation compensation.

Purpose: This new rule pertains to relocation compensation for Washington Management Service positions in general government agencies.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This new rule is proposed as a result of the passing of SHB 1282 regarding relocation compensation.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new rule pertains to lump sum relocation com-

**WSR 99-19-117**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed September 21, 1999, 10:30 a.m.]

compensation for a person making a domiciliary move in accepting a transfer or appointment. This rule is proposed as a result of the passing of SHB 1282. This rule is necessary to successfully recruit or retain qualified candidates or employees who will have to make a domiciliary move in order to accept a position. If a person receiving relocation compensation terminates or causes termination with the state within one year of the date of appointment or transfer, the agency is entitled to reimbursement from the employee who received the compensation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 28, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 21, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by October 26, 1999.

Date of Intended Adoption: October 28, 1999.

September 20, 1999

Dennis Karras  
Director

### NEW SECTION

**WAC 356-56-118 Relocation compensation.** (1) An agency director may authorize lump sum relocation compensation, within existing resources, whenever:

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the state is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the person to repay the relocation compensation.

(3) Prior to authorizing lump sum relocation compensation, each agency shall develop written criteria which includes:

(a) Defining the circumstances in which relocation compensation will be granted; and

(b) The method used in determining the amount of compensation.

Continuance of WSR 99-16-104.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapters 359-39, 359-09, 359-48, and 359-07 WAC.

Purpose: The above WAC chapters were scheduled to be effective January 1, 2000, as filed by WSR 97-24-043. This proposal will delay the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 2002.

The Department of Personnel is proposing to extend the effective date of chapters preciously adopted in Title 359 WAC from January 1, 2000 to January 1, 2002.

The Personnel Resources Board has adopted four chapters of Title 359 WAC. The Department of Personnel is continuing to progress in the development of the remaining chapters. Extending the effective date will allow our participative process to continue with general government, higher education, and employee organizations. Staff is proposing adoption effective November 1, 1999.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will postpone the effective date of Title 359 WAC as originally submitted in WSR 94-23-136.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposal is to postpone the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 2002.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on November 18, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by November 10, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by November 16, 1999.

PROPOSED

Date of Intended Adoption: November 18, 1999.  
September 20, 1999  
Dennis Karras  
Secretary

**WSR 99-19-121**  
**PROPOSED RULES**  
**ENVIRONMENTAL HEARINGS OFFICE**

(Shorelines Hearings Board)

[Filed September 21, 1999, 1:09 p.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Shorelines Hearings Board—Practice and procedure—Part C filing an appeal with the board and service. Decisions by the board after hearing—Final decisions and orders.

Purpose: WAC 461-08-355, brings rules into conformance with amendment to RCW 90.58.180(1) requiring that a petitioner serve local government with a copy of a petition for review to the Shorelines Hearings Board within seven days of filing the petition, condenses service information into one section for greater clarity. WAC 461-08-360 (repeal) eliminates reference to service on the chief legal officer of local government, which had proved confusing and unworkable. WAC 461-08-555, clarifies the result when less than a majority of the board members agree on a decision.

Statutory Authority for Adoption: RCW 90.58.175.

Statute Being Implemented: RCW 90.58.180(1), 90.58.170, 90.58.185(2).

Summary: WAC 461-08-355 is amended to incorporate service on local government as required by RCW 90.58.180(1). Service on the project applicant is moved from WAC 461-08-360 to 461-08-355, consolidating service requirements into one section. WAC 461-08-360 is repealed and the reference to service on the chief legal officer of local government is eliminated. WAC 461-08-555 is amended to clarify which decision controls when less than a majority of the board members agree on a decision.

Reasons Supporting Proposal: (1) Consistency between Shorelines Hearings Board rules and RCW 90.58.180(1); (2) consolidates service requirements in one place for increased ease of use; (3) eliminates confusing reference to serving the chief legal officer of local government; (4) further clarifies the controlling decision in cases where a majority of the board members do not agree on a decision.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Phyllis Macleod, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Environmental Hearings Office recommends making these amendments to the rules of the Shorelines Hearings Board.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature amended RCW 90.58.180(1) to require a petitioner challenging action by a local government to serve a copy of the petition on that local government within seven days of filing the petition with the Shorelines Hearings Board. The amendment to WAC 461-08-355 incorporates that requirement into the regulation governing service. The need to serve the permit applicant formerly addressed in WAC 461-08-360 is moved to WAC 461-08-355 to place all service requirements in one section. WAC 461-08-360 is repealed. Reference to service on the chief legal office of local government is deleted from the regulations because it has proved confusing and unworkable. WAC 461-08-555 is modified to clarify that the decision being appealed controls if our members of a full board or two members of a short board do not agree to grant the appeal. The decision on appeal could be rendered by a local government or by state government.

Proposal Changes the Following Existing Rules: The proposal changes WAC 461-08-355 to bring it into conformance with local government service requirements established by RCW 90.58.180(1). The proposal also moves language about serving the permit applicant into this section on service. WAC 461-08-360 is repealed, thereby consolidating service requirements into one section and eliminating a reference to serving the chief legal officer which had proved confusing and inaccurate. WAC 461-08-555 is modified to further clarify that pursuant to RCW 90.58.170 and 90.58.185(2), whatever decision is being appealed will control if a majority of the board members do not agree to grant the appeal. The decision on appeal could be a local or state decision depending on the permit involved.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal is exempt under RCW 19.85.025(3) which states that the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.310 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

RCW 34.05.328 does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies described in RCW 34.05.328(5) and as these are largely changes dictated by statute or efforts to provide greater clarity, the Environmental Hearings Office is not voluntarily making the requirements applicable to these rules.

Hearing Location: Environmental Hearings Office, 4224 Sixth Avenue S.E., Building 2, RoweSix, P.O. Box 40903, Lacey, WA 98504-0903, on November 4, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Greear, Clerk, by October 20, 1999, (360) 459-6327.

Submit Written Comments to: Phyllis Macleod, Environmental Hearings Office, 4224 Sixth Avenue S.E., Building No. 2, RoweSix, P.O. Box 40903, Lacey, WA 98504-0903, fax (360) 438-7699.

Date of Intended Adoption: November 4, 1999.

Phyllis K. Macleod

PROPOSED

**AMENDATORY SECTION** (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general.** (1) For a petition((s)) pertaining to a local government's final decision on a permit, the petitioner shall ~~((file one copy of))~~ serve the petition with the department ~~((and one copy with the office of))~~, the attorney general and that local government within seven days of ~~((the date that))~~ filing the petition ~~((was filed))~~ with the board.

(2) Within fifteen days of the date of receipt of the petition for review described in subsection (1) of this section, the department or the attorney general may intervene in the case before the board to protect the public interest and to insure compliance with chapter 90.58 RCW. Nothing in WAC 461-08-345, setting a twenty-one day limit on when the department or the attorney general can directly file a petition for review, limits the right of the department or attorney general to intervene under this section in a board proceeding.

(3) When the petitioner is not the permit applicant, the petitioner shall serve the permit applicant with a copy of the petition for review.

**AMENDATORY SECTION** (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-555 Final decisions and orders. (1) Full-board cases.** When the hearing on the petition for review has been heard by a majority of the board in a full-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the full board considers the record and that four of the members cannot agree on a decision, the substantive decision ~~((of the local government))~~ under appeal will control. The board will formally adopt its final decision and order: Provided further, That this subsection does not apply to a request for review filed under RCW 90.58.210.

(2) **Short-board cases.** When the hearing on the petition for review has been heard by two or more board members in a short-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the three board members consider the record and two members cannot agree on a decision, the substantive decision ~~((of the local government))~~ under appeal will control. The board will formally adopt its final decision and order.

(3) Copies of the final decision and order shall be mailed by the board to each party to the petition for review or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 461-08-360

Service of the petition for review on local government and other parties.

## **WSR 99-19-123**

### **PROPOSED RULES**

### **DEPARTMENT OF ECOLOGY**

[Order 99-19—Filed September 21, 1999, 1:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-092.

Title of Rule: WAC 173-422-130 Inspection fees, 173-422-160 Fleet and diesel owner vehicle testing requirements, and 173-422-170 Exemptions.

Purpose: The purpose of this rule revision is to allow the current vehicle emission inspection fee of \$12 to increase up to \$15 after January 1, 2000, and incorporate additional exemptions from emission testing adopted by the legislature. A test fee increase is needed because (1) the 1998 legislature reduced the number of vehicles to be tested by about 20%, (2) test station contractor costs have increased, and (3) the requirement that the emission check program be self-supporting.

Statutory Authority for Adoption: RCW 70.120.120.

Statute Being Implemented: RCW 46.16.015, 70.120.120, 70.120.170.

Summary: This rule revision is to allow the current vehicle emission inspection fee of \$12 to increase up to \$15 after January 1, 2000, and incorporate additional exemptions from emission testing adopted by the legislature.

Reasons Supporting Proposal: A test fee increase is needed because (1) the 1998 legislature reduced the number of vehicles to be tested by about 20%, (2) test station contractor costs have increased, and (3) the requirement that the emission check program be self-supporting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Raymond, Olympia, (360) 407-6856.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule revision is to allow the current vehicle emission inspection fee of \$12 to increase up to \$15 after January 1, 2000, and incorporate additional exemptions from emission testing adopted by the legislature. Approximately 20% fewer vehicles will be emission tested, therefore, the test fee will increase to \$15.

Proposal Changes the Following Existing Rules: This proposal allows the current vehicle emission inspection fee of \$12 to increase up to \$15 after January 1, 2000, and incorpo-

PROPOSED



rates additional exemptions from emission testing adopted by the legislature.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This statement is not required since the proposal follows state law, which requires a uniform test fee within a test area. The Department of Ecology does not have the ability to modify the test fee for any class of vehicle owners.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to "Rules that set or adjust fees or rates pursuant to legislative standards," RCW 34.05.328 (5)(b)(vi).

Hearing Location: On October 26, 1999, at 7 p.m., Department of Ecology, 3190 160th Avenue S.E., Bellevue; on

October 27, 1999, at 7 p.m., Clark College, Foster Auditorium, 1800 East McLoughlin Boulevard, Vancouver; on October 28, 1999, at 7 p.m., Spokane County Public Health Center, West 1101 College Avenue, Room 140; on November 3, 1999, at 7 p.m., Snohomish County Administration Building, Ginni Stevens Room, 3000 Rockefeller Avenue, Everett; and on November 4, 1999, at 7 p.m., Pierce County Health Department, 37th and Pacific, 3629 South D' Street, Tacoma.

Assistance for Persons with Disabilities: Contact Sandi Newton by October 21, 1999, TDD (360) 407-6006, or (360) 407-6826.

Submit Written Comments to: John Raymond, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail jray461@ecy.wa.gov, fax (360) 407-6802, by November 12, 1999.

Date of Intended Adoption: November 22, 1999.

September 15, 1999

Daniel J. Silver

Deputy Director

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-130 Inspection fees.** At an inspection facility operated under contract to the state, the fee for the first emission inspection on each vehicle applicable to a vehicle license year shall be ~~((twelve))~~ fifteen or less dollars. If the vehicle fails, one reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the reinspection is applicable to the same vehicle license year. Any additional reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of ~~((twelve))~~ fifteen or less dollars.

**AMENDATORY SECTION** (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

**WAC 173-422-160 Fleet and diesel owner vehicle testing requirements.** The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle

owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

(1) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except as approved by the department.

(2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology authorized emission specialists.

(3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and or storing this information using automated data storage devices may be approved or required by the department.

Forms must be purchased from the department in advance of issuance through payment of ~~((twelve))~~ fifteen or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

(4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

(5) Fleet vehicles may be inspected any time between their scheduled license renewals.

(6) Certificates of acceptance may not be issued under this section.

**AMENDATORY SECTION** (Amending Order 96-11, filed 11/15/96, effective 12/16/96)

**WAC 173-422-170 Exemptions.** The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) ~~((Vehicles whose model year is 1967 or earlier.~~

~~((3)))~~ (3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

~~((4)))~~ (3) Motor vehicles that use propulsion units powered exclusively by electricity.

PROPOSED



~~((5))~~ (4) Motor-driven cycles as defined in chapter 46.04 RCW as amended.

~~((6))~~ (5) Farm vehicles as defined in chapter 46.04 RCW as amended.

~~((7))~~ (6) Vehicles not required to be licensed.

~~((8))~~ (7) Mopeds as defined in chapter 46.04 RCW as amended.

~~((9))~~ (8) Vehicles garaged and operated out of the emission contributing area.

~~((10))~~ (9) Vehicles registered with the state but not for highway use.

~~((11))~~ (10) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.

~~((12))~~ (11) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.

~~((13))~~ (12) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.

~~((14))~~ (13) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

~~((15))~~ (14) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This ~~(exemption)~~ exemption does not apply to vehicles being inspected because the registered owner is being changed. ~~((However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.))~~ However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.

~~((16) When the model year of the vehicle is the same as [or greater than] the year in which the vehicle's license expires:~~

~~(17))~~ (15) When the difference between the model year of the vehicle and the expiration year of the license being purchased is four or less. ~~((This exemption applies only to vehicles registered in the Clark County United States Postal Service Zip Codes 98604, 98606, 98629, and 98642.))~~

(16) When the difference between the model year of the vehicle and the expiration year of the license being purchased is twenty-six or greater.

Preproposal statement of inquiry was filed as WSR 99-11-055.

Title of Rule: Chapter 173-224 WAC, Wastewater discharge permit fees.

Purpose: Increase annual permit fees, allow for an automatic annual fee adjustment; create new fee categories.

Statutory Authority for Adoption: Chapter 90.48 RCW.  
Statute Being Implemented: Chapter 90.48 RCW.

Summary: Amending chapter 173-224 WAC will increase annual fees for the fiscal year 1999-01 biennium as well as create new permit categories needed to reflect new permit coverage. New language is being introduced that allows for an automatic fee change to match the state fiscal growth factor. Fee categories for dairies and portable operations are being amended and a new category for noncontact cooling water with additives general permit coverage is being created.

Reasons Supporting Proposal: The changes will allow ecology to manage the wastewater discharge permit fee program at an appropriate level and streamline some current administrative activities.

Name of Agency Personnel Responsible for Drafting and Implementation: Bev Poston, Olympia, Washington, (360) 407-6425; and Enforcement: Steve Carley, Olympia, Washington, (360) 407-6572.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology is required by law (RCW 90.48.465) to collect fees from all holders of wastewater discharge permits. The fees are required to fully fund the permit program. The proposed changes will allow ecology to continue existing levels of service to the growing permit universe; maintain a base level of service if projected revenues fall below the legislative appropriation level for the 1999-01 biennium; recover adequate revenue to fund the increases to salaries and benefits approved by the legislature during the 1999 legislative session; and collect revenue to support additional permitting activities the legislature may direct ecology to perform during the 1999-01 biennium.

Proposal Changes the Following Existing Rules: The proposal increases annual permit fees by 3.32% for fiscal year 2000 and 2.93% for fiscal year 2001. In addition, ecology is proposing to change language that will do the following:

- Develops a definition and fee schedule for portable operations.
- Allow for automatic fee changes to match the state fiscal growth factor.
- Establish a fee schedule for dairy permit holders.
- Create a general permit fee schedule for permit holders with noncontact cooling water with additives.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Economic analyses are required for impacts on small business and municipalities when establishing wastewater discharge permit fees (RCW 90.48.465(4)). Since the wastewater discharge permit fees

WSR 99-19-124

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 99-03—Filed September 21, 1999, 1:31 p.m.]

Original Notice.

PROPOSED

are already established and are only being adjusted, an economic analysis is not required.

RCW 34.05.328 does not apply to this rule adoption. The proposed fee increases do not require economic analysis because the requirements from this section of the Administrative Procedure Act do not apply to "rules that set or adjust fees or rates pursuant to legislative standards."

Hearing Location: Ecology will hold a public workshop immediately followed by public hearing beginning at 1:30 p.m. at the following dates and locations: On October 28, 1999, Thursday, Ecology Headquarters Building, 300 Desmond Drive, Room ROA 36, Lacey, WA; and on October 29, 1999, Friday, Big Bend Community College, 7662 Chanute, Room 1609, Moses Lake, WA.

Assistance for Persons with Disabilities: Contact Bev Poston by October 6, 1999, TDD (360) 407-6006, or (360) 407-6425.

Submit Written Comments to: Bev Poston, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail bpos461@ecy.wa.gov., fax (360) 407-6426, by November 9, 1999.

Date of Intended Adoption: December 28, 1999.

September 15, 1999

Daniel J. Silver

Deputy Director

AMENDATORY SECTION (Amending Order 97-27, filed 1/15/98, effective 2/15/98)

**WAC 173-224-030 Definitions.** "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock (~~(and)~~), or the production of concrete (~~(and)~~), or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means one slaughter or feeder steer, ~~((0-7))~~ 1.4 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility (~~(which)~~) that treats wastewater from more than one separately permitted food processor and receives no

domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" (~~(which)~~) that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with (~~(such))~~ any groundwater infiltration or surface waters (~~(as))~~ that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, (~~(but exclusive of))~~ excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment

plants (~~which~~) that treat wastes from only one separately permitted food processor (~~shall~~) must be treated as one facility for billing purposes.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with (~~such~~) any industrial wastes (~~as~~) that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or (~~pursuant to~~) in accordance with state law and (~~having~~) that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water (~~and~~), Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.*

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department (~~pursuant to~~) under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities ((who) that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

AMENDATORY SECTION (Amending Order 97-27, filed 1/15/98, effective 2/15/98)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater.

(2) Industrial facility categories.

Table with columns: (INDUSTRIAL FACILITY CATEGORIES), FY 98 ANNUAL PERMIT FEE, FY 99 ANNUAL PERMIT FEE. Rows include Aluminum-Alloys, Aluminum and Magnesium Reduction Mills, Aggregate Production-Individual Permit Coverage, Mining Activities, Nonoperating aggregate site, Single site, Single owner/multiple site, etc.

Table with columns: Category, Fee 1, Fee 2. Rows include Mining Activities, Nonoperating aggregate site, Single Site, Single owner/multiple site, Asphalt Production, Concrete Production, Aggregate Production-General Permit Coverage, Mining Activities, Nonoperating aggregate site, Single Site, Single owner/multiple site, etc.

PROPOSED

e. 50,000—<100,000 gpd	11,380.00	11,836.00	f. 500,000—<1,000,000 gpd	22,750.00	23,671.00	
d. 100,000—<500,000 gpd	22,750.00	23,672.00	g. 1,000,000 gpd and greater	34,130.00	35,508.00	
Combined Food Processing Waste Treatment						
Facilities				797.00	829.00	
Combined Sewer Overflow System						
a. <50 acres	2,276.00	2,367.00	Facilities Not Otherwise Classified—General Permit Coverage			
b. 50—<100 acres	5,689.00	5,918.00	a. <1,000 gpd	1,000.00	1,593.00	
e. 100—<500 acres	6,829.00	7,103.00	b. 1,000—<10,000 gpd	1,593.00	1,657.00	
d. 500 acres and greater	9,104.00	9,469.00	c. 10,000—<50,000 gpd	3,982.00	4,143.00	
Commercial Laundry						
Concentrated Animal Feeding Operation (including Dairies)—Individual Permit Coverage				d. 50,000—<100,000 gpd	6,373.00	6,628.00
Concentrated Animal Feeding Operation (including Dairies)—Individual Permit Coverage						
a. <200 Animal Units	117.00	121.00	e. 100,000—<500,000 gpd	12,744.00	13,255.00	
b. 200—<400 Animal Units	291.00	303.00	f. 500,000—<1,000,000 gpd	15,931.00	16,570.00	
e. 400—<600 Animal Units	584.00	607.00	g. 1,000,000 gpd and greater	23,897.00	24,856.00	
d. 600—<800 Animal Units	875.00	910.00	Flavor Extraction			
e. 800 Animal Units and greater	1,167.00	1,214.00	a. Steam Distillation	117.00	121.00	
Concentrated Animal Feeding Operation (including Dairies)—General Permit Coverage						
a. <200 Animal Units	82.00	85.00	Food Processing			
b. 200—<400 Animal Units	204.00	212.00	a. <1,000 gpd	1,138.00	1,183.00	
e. 400—<600 Animal Units	409.00	425.00	b. 1,000—<10,000 gpd	2,902.00	3,018.00	
d. 600—<800 Animal Units	613.00	637.00	e. 10,000—<50,000 gpd	5,178.00	5,385.00	
e. 800 Animal Units and greater	817.00	850.00	d. 50,000—<100,000 gpd	8,136.00	8,462.00	
Crop Preparing—General Permit Coverage						
a. 0—<1,000 bins/yr.	227.00	236.00	e. 100,000—<250,000 gpd	11,380.00	11,836.00	
b. 1,000—<5,000 bins/yr.	455.00	473.00	f. 250,000—<500,000 gpd	14,964.00	15,564.00	
e. 5,000—<10,000 bins/yr.	910.00	947.00	g. 500,000—<750,000 gpd	18,776.00	19,529.00	
d. 10,000—<15,000 bins/yr.	1,822.00	1,895.00	h. 750,000—<1,000,000 gpd	22,759.00	23,671.00	
e. 15,000—<20,000 bins/yr.	3,014.00	3,135.00	i. 1,000,000—<2,500,000 gpd	27,880.00	28,998.00	
f. 20,000—<25,000 bins/yr.	4,210.00	4,379.00	j. 2,500,000—<5,000,000 gpd	31,293.00	32,548.00	
g. 25,000—<50,000 bins/yr.	5,623.00	5,858.00	k. 5,000,000 gpd and greater	34,130.00	35,508.00	
h. 50,000—<75,000 bins/yr.	6,259.00	6,510.00	Fuel and Chemical Storage			
i. 75,000—<100,000 bins/yr.	7,282.00	7,574.00	a. <50,000 bbls	1,138.00	1,184.00	
j. 100,000—<125,000 bins/yr.	9,104.00	9,469.00	b. 50,000—<100,000 bbls	2,276.00	2,367.00	
k. 125,000—<150,000 bins/yr.	11,380.00	11,836.00	e. 100,000—<500,000 bbls	5,689.00	5,918.00	
l. 150,000 bins/yr. and greater	13,656.00	14,203.00	d. 500,000 bbls and greater	11,380.00	11,836.00	
Crop Preparing—General Permit Coverage						
a. 0—<1,000 bins/yr.	159.00	165.00	Hazardous Waste Clean-Up Sites			
b. 1,000—<5,000 bins/yr.	319.00	331.00	a. Leaking Underground Storage Tanks (LUST)			
e. 5,000—<10,000 bins/yr.	637.00	663.00	1. State Permit	2,985.00	3,105.00	
d. 10,000—<15,000 bins/yr.	1,275.00	1,327.00	2. NPDES Permit Issued pre-7/1/94	2,985.00	3,105.00	
e. 15,000—<20,000 bins/yr.	2,110.00	2,195.00	3. NPDES Permit Issued post-7/1/94	5,969.00	6,209.00	
f. 20,000—<25,000 bins/yr.	2,947.00	3,065.00	b. NonLUST Sites			
g. 25,000—<50,000 bins/yr.	3,942.00	4,100.00	1. 1-of-2 Contaminants of concern	5,836.00	6,070.00	
h. 50,000—<75,000 bins/yr.	4,381.00	4,557.00	2. >2 Contaminants of concern	11,671.00	12,139.00	
i. 75,000—<100,000 bins/yr.	5,097.00	5,302.00	Ink Formulation and Printing			
j. 100,000—<125,000 bins/yr.	6,373.00	6,628.00	a. Commercial Print Shops	1,751.00	1,821.00	
k. 125,000—<150,000 bins/yr.	7,966.00	8,285.00	b. Newspapers	2,918.00	3,035.00	
l. 150,000 bins/yr. and greater	9,559.00	9,942.00	c. Book Plants	4,669.00	4,856.00	
d. Ink Formulation						
Facilities Not Otherwise Classified—Individual Permit Coverage						
a. <1,000 gpd	1,138.00	1,184.00	a. Lime Products	5,689.00	5,918.00	
b. 1,000—<10,000 gpd	2,276.00	2,367.00	b. Fertilizer	6,850.00	7,124.00	
e. 10,000—<50,000 gpd	5,689.00	5,918.00	c. Peroxide	9,104.00	9,469.00	
d. 50,000—<100,000 gpd	9,104.00	9,469.00	d. Alkaline Earth Salts	11,380.00	11,836.00	
e. 100,000—<500,000 gpd	18,206.00	18,936.00	e. Metal Salts	15,930.00	16,569.00	
			f. Acid Manufacturing	22,759.00	23,671.00	
			g. Chlor-alkali	45,519.00	47,344.00	
			Iron and Steel			
			a. Foundries	11,380.00	11,836.00	
			b. Mills	22,759.00	23,692.00	
			Metal Finishing			
			a. <1,000 gpd	1,365.00	1,419.00	
			b. 1,000—<10,000 gpd	2,275.00	2,366.00	
			e. 10,000—<50,000 gpd	5,689.00	5,917.00	

PROPOSED



e. 20,000 and greater	998.00	1,038.00
<b>Vehicle Maintenance and Freight Transfer</b>		
a. <0.5 acre	2,276.00	2,367.00
b. 0.5 - <1.0 acre	4,551.00	4,734.00
c. 1.0 acre and greater	6,829.00	7,102.00
<b>Water Plants - Individual Permit Coverage</b>	2,846.00	2,960.00
<b>Water Plants - General Permit Coverage</b>	1,992.00	2,072.00
<b>Wineries</b>		
a. <500 gpd	233.00	242.00
b. 500 - <750 gpd	466.00	485.00
c. 750 - <1,000 gpd	931.00	969.00
d. 1,000 - <2,500 gpd	1,862.00	1,937.00
e. 2,500 - <5,000 gpd	2,969.00	3,088.00
f. 5,000 gpd and greater	4,075.00	4,239.00

INDUSTRIAL FACILITY CATEGORIES	FY 2000	FY 2001
	ANNUAL	ANNUAL
	PERMIT FEE	PERMIT FEE
<b>Aluminum Alloys</b>	\$12,229.00	\$12,587.00
<b>Aluminum and Magnesium Reduction Mills</b>		
a. NPDES Permit	72,117.00	74,230.00
b. State Permit	36,060.00	37,117.00
<b>Aluminum Forming</b>	36,687.00	37,762.00
<b>Aggregate Production - Individual Permit Coverage</b>		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,105.00	2,167.00
2. Nonoperating aggregate site (fee per site)	87.00	90.00
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	877.00	903.00
2. 50,000 - < 300,000 tons/yr.	2,105.00	2,167.00
3. 300,000 tons/yr. and greater	2,631.00	2,708.00
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	877.00	903.00
2. 25,000 - < 200,000 cu. yds/yr.	2,105.00	2,167.00
3. 200,000 cu. yds/yr. and greater	2,631.00	2,708.00
<b>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</b>		
d. Portable Facilities		
1. Portable Rock Crushing Operations	2,105.00	2,166.00
2. Asphalt Portable Batch Plant	2,105.00	2,166.00
3. Concrete Portable Batch Plant	2,105.00	2,166.00
<b>Aggregate Production - General Permit Coverage</b>		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	1,473.00	1,517.00
2. Nonoperating aggregate site (fee per site)	61.00	63.00
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	614.00	632.00
2. 50,000 - < 300,000 tons/yr.	1,474.00	1,517.00
3. 300,000 tons/yr. and greater	1,841.00	1,895.00
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	614.00	632.00
2. 25,000 - < 200,000 cu. yds/yr.	1,474.00	1,517.00
3. 200,000 cu. yds/yr. and greater	1,841.00	1,895.00

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Facilities		
1. Portable Rock Crushing Operations	1,474.00	1,517.00
2. Asphalt Portable Batch Plant	1,474.00	1,517.00
3. Concrete Portable Batch Plant	1,474.00	1,517.00
<b>Aquaculture</b>		
a. Finfish hatching and rearing - Individual Permit	3,669.00	3,777.00
b. Finfish hatching and rearing - General Permit Coverage	2,569.00	2,644.00
c. Shellfish hatching	126.00	130.00
<b>Boat Yards - Individual Permit Coverage</b>		
a. With storm water only discharge	313.00	322.00
b. All others	627.00	645.00
<b>Boat Yards - General Permit Coverage</b>		
a. With storm water only discharge	219.00	225.00
b. All others	439.00	452.00
<b>Coal Mining and Preparation</b>		
a. < 200,000 tons per year	4,890.00	5,033.00
b. 200,000 - < 500,000 tons per year	11,007.00	11,330.00
c. 500,000 - < 1,000,000 tons per year	19,565.00	20,138.00
d. 1,000,000 tons per year and greater	36,687.00	37,762.00
<b>Combined Industrial Waste Treatment</b>		
a. < 10,000 gpd	2,446.00	2,518.00
b. 10,000 - < 50,000 gpd	6,114.00	6,293.00
c. 50,000 - < 100,000 gpd	12,229.00	12,587.00
d. 100,000 - < 500,000 gpd	24,458.00	25,175.00
e. 500,000 gpd and greater	36,687.00	37,762.00
<b>Combined Food Processing Waste Treatment Facilities</b>	11,708.00	12,051.00
<b>Combined Sewer Overflow System</b>		
a. < 50 acres	2,446.00	2,518.00
b. 50 - < 100 acres	6,114.00	6,293.00
c. 100 - < 500 acres	7,339.00	7,554.00
d. 500 acres and greater	9,783.00	10,070.00
<b>Commercial Laundry</b>	313.00	322.00
<b>Concentrated Animal Feeding Operation</b>		
a. < 200 Animal Units	125.00	129.00
b. 200 - < 400 Animal Units	313.00	322.00
c. 400 - < 600 Animal Units	627.00	645.00
d. 600 - < 800 Animal Units	940.00	968.00
e. 800 Animal Units and greater	1,254.00	1,291.00
<b>Crop Preparing - Individual Permit Coverage</b>		
a. 0 - < 1,000 bins/yr.	244.00	251.00
b. 1,000 - < 5,000 bins/yr.	489.00	503.00
c. 5,000 - < 10,000 bins/yr.	978.00	1,007.00
d. 10,000 - < 15,000 bins/yr.	1,958.00	2,015.00
e. 15,000 - < 20,000 bins/yr.	3,239.00	3,334.00
f. 20,000 - < 25,000 bins/yr.	4,524.00	4,657.00
g. 25,000 - < 50,000 bins/yr.	6,052.00	6,229.00
h. 50,000 - < 75,000 bins/yr.	6,726.00	6,923.00
i. 75,000 - < 100,000 bins/yr.	7,825.00	8,054.00
j. 100,000 - < 125,000 bins/yr.	9,783.00	10,070.00
k. 125,000 - < 150,000 bins/yr.	12,229.00	12,587.00
l. 150,000 bins/yr. and greater	14,675.00	15,105.00

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Crop Preparing - General Permit Coverage

a. 0 - < 1,000 bins/yr.	170.00	175.00
b. 1,000 - < 5,000 bins/yr.	342.00	352.00
c. 5,000 - < 10,000 bins/yr.	685.00	705.00
d. 10,000 - < 15,000 bins/yr.	1,371.00	1,411.00
e. 15,000 - < 20,000 bins/yr.	2,268.00	2,334.00
f. 20,000 - < 25,000 bins/yr.	3,167.00	3,260.00
g. 25,000 - < 50,000 bins/yr.	4,236.00	4,360.00
h. 50,000 - < 75,000 bins/yr.	4,708.00	4,846.00
i. 75,000 - < 100,000 bins/yr.	5,478.00	5,639.00
j. 100,000 - < 125,000 bins/yr.	6,848.00	7,049.00
k. 125,000 - < 150,000 bins/yr.	8,560.00	8,811.00
l. 150,000 bins/yr. and greater	10,272.00	10,573.00

Dairies \$ .50 per Animal Unit not to exceed \$878.00 for FY 2000 and \$904.00 for FY 2001

Facilities Not Otherwise Classified - Individual Permit Coverage

a. < 1,000 gpd	1,223.00	1,259.00
b. 1,000 - < 10,000 gpd	2,446.00	2,518.00
c. 10,000 - < 50,000 gpd	6,114.00	6,293.00
d. 50,000 - < 100,000 gpd	9,783.00	10,070.00
e. 100,000 - < 500,000 gpd	19,565.00	20,138.00
f. 500,000 - < 1,000,000 gpd	24,457.00	25,174.00
g. 1,000,000 gpd and greater	36,687.00	37,762.00

Facilities Not Otherwise Classified - General Permit Coverage

a. < 1,000 gpd	857.00	882.00
b. 1,000 - < 10,000 gpd	1,712.00	1,762.00
c. 10,000 - < 50,000 gpd	4,281.00	4,406.00
d. 50,000 - < 100,000 gpd	6,848.00	7,049.00
e. 100,000 - < 500,000 gpd	13,695.00	14,096.00
f. 500,000 - < 1,000,000 gpd	17,120.00	17,622.00
g. 1,000,000 gpd and greater	25,681.00	26,433.00

Flavor Extraction

a. Steam Distillation	125.00	129.00
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Food Processing

a. < 1,000 gpd	1,222.00	1,258.00
b. 1,000 - < 10,000 gpd	3,118.00	3,209.00
c. 10,000 - < 50,000 gpd	5,564.00	5,727.00
d. 50,000 - < 100,000 gpd	8,743.00	8,999.00
e. 100,000 - < 250,000 gpd	12,229.00	12,587.00
f. 250,000 - < 500,000 gpd	16,081.00	16,552.00
g. 500,000 - < 750,000 gpd	20,177.00	20,768.00
h. 750,000 - < 1,000,000 gpd	24,457.00	25,174.00
i. 1,000,000 - < 2,500,000 gpd	29,961.00	30,839.00
j. 2,500,000 - < 5,000,000 gpd	33,629.00	34,614.00
k. 5,000,000 gpd and greater	36,687.00	37,762.00

Fuel and Chemical Storage

a. < 50,000 bbls	1,223.00	1,259.00
b. 50,000 - < 100,000 bbls	2,446.00	2,518.00
c. 100,000 - < 500,000 bbls	6,114.00	6,293.00
d. 500,000 bbls and greater	12,229.00	12,587.00

Hazardous Waste Clean Up Sites

a. Leaking Underground Storage Tanks (LUST)		
1. State Permit	3,208.00	3,302.00
2. NPDES Permit Issued pre 7/1/94	3,208.00	3,302.00
3. NPDES Permit Issued post 7/1/94	6,415.00	6,603.00
b. NonLUST Sites		
1. 1 or 2 Contaminants of concern	6,272.00	6,456.00

2. > 2 Contaminants of concern

12,542.00 12,909.00

Ink Formulation and Printing

a. Commercial Print Shops	1,881.00	1,936.00
b. Newspapers	3,136.00	3,228.00
c. Box Plants	5,017.00	5,164.00
d. Ink Formulation	6,272.00	6,456.00

Inorganic Chemicals Manufacturing

a. Lime Products	6,114.00	6,293.00
b. Fertilizer	7,361.00	7,577.00
c. Peroxide	9,783.00	10,070.00
d. Alkaline Earth Salts	12,229.00	12,587.00
e. Metal Salts	17,119.00	17,621.00
f. Acid Manufacturing	24,457.00	25,174.00
g. Chlor-alkali	48,916.00	50,349.00

Iron and Steel

a. Foundries	12,229.00	12,587.00
b. Mills	24,479.00	25,196.00

Metal Finishing

a. < 1,000 gpd	1,466.00	1,509.00
b. 1,000 - < 10,000 gpd	2,445.00	2,517.00
c. 10,000 - < 50,000 gpd	6,113.00	6,292.00
d. 50,000 - < 100,000 gpd	12,228.00	12,586.00
e. 100,000 - < 500,000 gpd	24,456.00	25,173.00
f. 500,000 gpd and greater	36,685.00	37,760.00

Noncontact Cooling Water With Additives - Individual Permit Coverage

a. < 1,000 gpd	765.00	787.00
b. 1,000 - < 10,000 gpd	1,528.00	1,573.00
c. 10,000 - < 50,000 gpd	2,294.00	2,361.00
d. 50,000 - < 100,000 gpd	5,351.00	5,508.00
e. 100,000 - < 500,000 gpd	9,171.00	9,440.00
f. 500,000 - < 1,000,000 gpd	12,995.00	13,376.00
g. 1,000,000 - < 2,500,000 gpd	16,816.00	17,309.00
h. 2,500,000 - < 5,000,000 gpd	20,634.00	21,239.00
i. 5,000,000 gpd and greater	24,457.00	25,174.00

Noncontact Cooling Water With Additives - General Permit Coverage

a. < 1,000 gpd	\$ 536.00	\$ 552.00
b. 1,000 - < 10,000 gpd	1,069.00	1,100.00
c. 10,000 - < 50,000 gpd	1,606.00	1,653.00
d. 50,000 - < 100,000 gpd	3,746.00	3,856.00
e. 100,000 - < 500,000 gpd	6,420.00	6,608.00
f. 500,000 - < 1,000,000 gpd	9,097.00	9,364.00
g. 1,000,000 - < 2,500,000 gpd	11,771.00	12,116.00
h. 2,500,000 - < 5,000,000 gpd	14,444.00	14,867.00
i. 5,000,000 gpd and greater	17,120.00	17,622.00

Noncontact Cooling Water Without Additives - Individual Permit Coverage

a. < 1,000 gpd	612.00	630.00
b. 1,000 - < 10,000 gpd	1,223.00	1,259.00
c. 10,000 - < 50,000 gpd	1,835.00	1,889.00
d. 50,000 - < 100,000 gpd	4,281.00	4,406.00
e. 100,000 - < 500,000 gpd	7,339.00	7,554.00
f. 500,000 - < 1,000,000 gpd	10,394.00	10,699.00
g. 1,000,000 - < 2,500,000 gpd	13,452.00	13,846.00
h. 2,500,000 - < 5,000,000 gpd	16,508.00	16,992.00
i. 5,000,000 gpd and greater	19,565.00	20,138.00

Noncontact Cooling Water Without Additives - General Permit Coverage

a. < 1,000 gpd	428.00	441.00
b. 1,000 - < 10,000 gpd	857.00	882.00



c. 10,000 - < 50,000 gpd	1,284.00	1,322.00	f. Per drydock over 250 ft in length	4,891.00	5,034.00
d. 50,000 - < 100,000 gpd	2,996.00	3,084.00	The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.		
e. 100,000 - < 500,000 gpd	5,137.00	5,288.00	Solid Waste Sites (nonstorm water)		
f. 500,000 - < 1,000,000 gpd	7,276.00	7,489.00	a. Nonputrescible	4,891.00	5,034.00
g. 1,000,000 - < 2,500,000 gpd	9,417.00	9,693.00	b. < 50 acres	9,783.00	10,070.00
h. 2,500,000 - < 5,000,000 gpd	11,556.00	11,895.00	c. 50 - < 100 acres	19,565.00	20,138.00
i. 5,000,000 gpd and greater	13,695.00	14,096.00	d. 100 - < 250 acres	24,457.00	25,174.00
Nonferrous Metals Forming	12,229.00	12,587.00	e. 250 acres and greater	36,687.00	37,762.00
Ore Mining			Storm Water (Unless specifically categorized elsewhere.)		
a. Ore Mining	2,446.00	2,518.00	a. Individual Industrial Permits		
b. Ore mining with physical concentration processes	4,891.00	5,034.00	1. < 50 acres	2,446.00	2,518.00
c. Ore mining with physical and chemical concentration processes	19,565.00	20,138.00	2. 50 - < 100 acres	4,891.00	5,034.00
Organic Chemicals Manufacturing			3. 100 - < 500 acres	7,338.00	7,553.00
a. Fertilizer	12,229.00	12,587.00	4. 500 acres and greater	9,783.00	10,070.00
b. Aliphatic	24,457.00	25,174.00	b. Facilities covered under the Industrial Storm Water General Permit	325.00	335.00
c. Aromatic	36,687.00	37,762.00	c. Construction activities covered under the Industrial Storm Water General Permit	325.00	335.00
Petroleum Refining			Textile Mills	48,916.00	50,349.00
a. < 10,000 bbls/d	24,457.00	25,174.00	Timber Products		
b. 10,000 - < 50,000 bbls/d	48,916.00	50,349.00	a. Log Storage	2,446.00	2,518.00
c. 50,000 bbls/d and greater	97,835.00	100,702.00	b. Veneer	4,891.00	5,034.00
Photofinishers			c. Sawmills	9,783.00	10,070.00
a. < 1,000 gpd	978.00	1,007.00	d. Hardwood, Plywood	17,119.00	17,621.00
b. 1,000 gpd and greater	2,446.00	2,518.00	e. Wood Preserving	24,457.00	25,174.00
Power and/or Steam Plants			Vegetable/Bulb Washing Facilities		
a. Steam Generation - Nonelectric	4,890.00	5,033.00	a. < 1,000 gpd	81.00	83.00
b. Hydroelectric	4,890.00	5,033.00	b. 1,000 - < 5,000 gpd	162.00	167.00
c. Nonfossil Fuel	7,338.00	7,553.00	c. 5,000 - < 10,000 gpd	322.00	331.00
d. Fossil Fuel	19,565.00	20,138.00	d. 10,000 - < 20,000 gpd	648.00	667.00
Pulp, Paper and Paper Board			e. 20,000 and greater	1,072.00	1,103.00
a. Fiber Recyclers	12,228.00	12,586.00	Vehicle Maintenance and Freight Transfer		
b. Paper Mills	24,457.00	25,174.00	a. < 0.5 acre	2,446.00	2,518.00
c. Groundwood Pulp Mills			b. 0.5 - < 1.0 acre	4,891.00	5,034.00
1. < 300 tons per day	36,687.00	37,762.00	c. 1.0 acre and greater	7,338.00	7,553.00
2. > 300 tons per day	73,373.00	75,523.00	Water Plants - Individual Permit Coverage	3,058.00	3,148.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	97,829.00	100,695.00	Water Plants - General Permit Coverage	2,141.00	2,204.00
e. Chemical Pulp Mills w/Chlorine Bleaching	110,057.00	113,282.00	Wineries		
Radioactive Effluents and Discharges (RED)			a. < 500 gpd	250.00	257.00
a. < 3 waste streams	23,674.00	24,368.00	b. 500 - < 750 gpd	501.00	516.00
b. 3 - < 8 waste streams	41,087.00	42,291.00	c. 750 - < 1,000 gpd	1,001.00	1,030.00
c. 8 waste streams and greater	67,672.00	69,655.00	d. 1,000 - < 2,500 gpd	2,001.00	2,060.00
RCRA Corrective Action Sites	17,189.00	17,693.00	e. 2,500 - < 5,000 gpd	3,191.00	3,284.00
Seafood Processing			f. 5,000 gpd and greater	4,380.00	4,508.00
a. < 1,000 gpd	1,223.00	1,259.00	(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories ( <del>which</del> ) that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.		
b. 1,000 - < 10,000 gpd	3,118.00	3,209.00	(b) The total annual permit fee for a water treatment plant that primarily serves residential customers ( <del>shall</del> ) may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence		
c. 10,000 - < 50,000 gpd	5,564.00	5,727.00			
d. 50,000 - < 100,000 gpd	8,743.00	8,999.00			
e. 100,000 gpd and greater	12,229.00	12,587.00			
Shipyards					
a. Per crane, travel lift, small boat lift	2,446.00	2,518.00			
b. Per drydock under 250 ft in length	2,446.00	2,518.00			
c. Per graving dock	2,446.00	2,518.00			
d. Per marine way	3,669.00	3,777.00			
e. Per scrolift	3,669.00	3,777.00			

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~~((which))~~ that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production ~~((permitees))~~ permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the ~~((information form, shall be completed and returned to the department within thirty days after it is mailed to the permittee by the))~~ department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information ~~((could))~~ will result in ((permit termination)) a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a ~~((permittee))~~ permit holder, the department may elect to place the ~~((permittee))~~ permit holder in a category with dischargers or ~~((permittees))~~ permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department ~~((is commencing))~~ has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee ~~((which))~~ that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee ~~((shall))~~ will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

(i) Residential Equivalents (RE)	FY <del>((98))</del> <u>2000</u> Annual Permit Fee	FY <del>((99))</del> <u>2001</u> Annual Permit Fee
< 250,000	\$ <del>((1.40))</del> <u>1.51</u> per RE	\$ <del>((1.46))</del> <u>1.55</u> per RE
> 250,000	<del>((.84))</del> <u>.91</u> per RE	<del>((.88))</del> <u>.94</u> per RE

(ii) Municipal storm water permit annual fee for only ~~((the))~~ those entities listed below will be:

Name of Entity	FY <del>((98))</del> <u>2000</u> Annual Permit Fee	FY <del>((99))</del> <u>2001</u> Annual Permit Fee
King County	\$ <del>((25,922.00))</del> <u>27,856.00</u>	\$ <del>((26,961.00))</del> <u>28,672.00</u>
Snohomish County	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>
Pierce County	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>
Tacoma, City of	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>
Seattle, City of	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>
Department of Transportation	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>
Clark County	<del>((25,922.00))</del> <u>27,856.00</u>	<del>((26,961.00))</del> <u>28,672.00</u>

Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year ~~((1998))~~ 2000 and fiscal year ~~((1999))~~ 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee ~~((for each permit issued))~~ under RCW 90.48.162 or 90.48.260 that is held by a municipality ~~((that))~~ which:

(i) Holds more than one permit for domestic wastewater facilities; and ((which))

(ii) Treats each domestic wastewater facility as a separate accounting entity, ((i.e., maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which

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expenditures to pay for the costs of operating, etc., that facility are made)) is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and ((which))

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, ~~((i.e., maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made)))~~ as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	FY ((98)) 2000	FY ((99))
	Annual Permit Fee	2001 Annual Permit Fee
.1 MGD and Greater	<del>\$(5,689.00)</del> 6,114.00	<del>\$(5,918.00)</del> 6,293.00
.05 MGD to < .1 MGD	<del>((2,276.00))</del> 2,446.00	<del>((2,367.00))</del> 2,518.00
.0008 MGD to < .05 MGD	<del>((1,138.00))</del> 1,223.00	<del>((1,184.00))</del> 1,259.00
< .0008 MGD	<del>((341.00))</del> 367.00	<del>((355.00))</del> 378.00

~~((Privately owned domestic wastewater facilities shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit.))~~

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any ~~((such))~~ amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities ~~((differing))~~ different single-family residential user ~~((charges))~~ fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities ~~((differing))~~ different single-family residential user ~~((charges))~~ fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a ~~((charge))~~ fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user ~~((charge))~~ fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user ~~((charges))~~ fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user ~~((charge))~~ fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user ~~((charge))~~ fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user ~~((charge))~~ fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user ~~((charge))~~ fee is calculated by multiplying by six the bimonthly user ~~((charge))~~ fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period.

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If the user ((charge)) fee for a single-family residence varies, depending on age, income, location, etc., then the ((charge)) fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user ((charge)) fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user ((charge)) fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user ((charges)) fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination. ((Fees will be calculated in even-numbered fiscal years.))

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor;

or  
(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) Automatic fee change. The permit fees specified in subsections (2) and (3) of this section shall be changed each fiscal year, beginning in fiscal year 2002, by an amount up to, but not exceeding the state fiscal growth factor, determined by the governor's office of financial management in accordance with chapter 43.135 RCW.

AMENDATORY SECTION (Amending Order 97-27, filed 1/15/98, effective 2/15/98)

**WAC 173-224-050 Permit fee computation and payments.** (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. ((In cases where a new permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the department shall prorate the fee on a quarterly basis. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.))

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information ((which)) that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as follows unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit ~~((with the exception of permittees who have received permit coverage under the general storm water permits for industrial and construction activities and municipal storm water general permit) begins at the end of the permit application coverage period, regardless of the date of submission of the notice of intent. Any facility that is an existing operation requiring general permit coverage but that does not apply for a permit during the permit application coverage period will incur fees beginning at the end of the application coverage period)) begins on the permit coverage date.~~ Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as described in subsection (2)(a), (b), (c) and (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general ~~((permittees))~~ permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) ~~((Inactive))~~ Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the ~~((notice of intent))~~ application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water ~~((and)),~~ Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general ~~((permittees))~~ permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the ~~((permit fee shall be deemed))~~ department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. ~~((Permittees))~~ Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. The department will notify the delinquent ~~((permittee))~~ permit holder by certified letter of its intent to turn the delinquent account over to a collection agency. Permit holders will have thirty days from receipt of the certified letter to bring the account up-to-date before the department turns it over for collection. Any delinquent account turned over for collection will be assessed a surcharge totaling twenty percent of the delinquent amount owed. The surcharge assessment is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department ~~((may exercise other legal or equitable remedies including, but not limited to, the assessment of penalties. Civil penalties issued by the department shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the pen-~~

alty. Nothing herein shall be interpreted as restricting the authority of the department to exercise other enforcement remedies as authorized by law)) will terminate the permit for nonpayment of fees.

**WSR 99-19-125**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed September 21, 1999, 1:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-026.

Title of Rule: Miscellaneous rule changes to public employees retirement system (PERS) and portability, chapters 415-108 and 415-113 WAC to clarify and comply with amendments to chapters 41.32, 41.40, and 41.50 RCW.

Purpose: To amend the department's rules implementing the law codified in chapters 41.40, 41.32 and 41.50 RCW in order to make those rules consistent with amendments.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapters 41.32, 41.40 RCW.

Summary: The proposed rules amend the department's PERS and portability rules to:

- Clarify and conform to chapters 41.32, 41.40 and 41.50 RCW.
- Clarify concurrent membership requirements for members of PERS and first class city retirement systems.

Reasons Supporting Proposal: To bring the department's rules into conformity with:

- Chapters 41.32, 41.40 and 41.50 RCW as amended;
- Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Elyette Weinstein, 6835 Capitol Boulevard, Tumwater, (360) 664-7307; Implementation and Enforcement: Jack Bryant, 6835 Capitol Boulevard, Tumwater, (360) 664-7193.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is an amendment to provisions of chapter 415-108 and 415-113 WAC governing the department's implementation of the teachers and public employee retirement systems codified in chapters 41.32, 41.40 and 41.50 RCW. The amendments are necessary to reflect the changes to these chapters enacted after the WACs went into effect. The purpose of the rules is to bring them into conformity with the statutes as amended to ensure that there are no conflicts between the rules and the authorizing statutes.

In conformity with Executive Order 97-02 we seek to update and clarify the requirements for concurrent membership in PERS and first class city systems.

Proposal Changes the Following Existing Rules: The proposal changes the following WACs:

WAC 415-108-726 clarifies that in certain situations a member who works part time for a PERS employer and one covered by a first class city retirement system can receive service credit in both systems simultaneously.

WAC 415-113-0302, 415-113-0303, 415-113-0310, 415-113-041, 415-113-042, 415-113-065, 415-113-070, 415-113-080, and 415-113-090 are changed to include references to TRS Plan 3 (RCW 41.32.831 et seq.) which went into effect subsequent to the WAC chapter.

WAC 415-113-080 is revised to provide a clarifying example which illustrates how salary earned after a member's accrual date cannot be used to calculate a benefit.

WAC 415-113-059 and 415-113-082 are rewritten in plain language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems (DRS). No private businesses are affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DRS is not one of the agencies that RCW 34.05.328 applies to. DRS does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Boardroom, 3rd Floor, 6835 Capitol Boulevard, Tumwater, WA, on October 29, 1999, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Elyette Weinstein by October 29, 1999, TDD (360) 586-5450, or (360) 664-7298.

Submit Written Comments to: Elyette Weinstein, P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 664-3618, by October 29, 1999.

Date of Intended Adoption: October 29, 1999.

September 20, 1999

Elyette Weinstein

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

**WAC 415-108-726** If I ~~((have accrued))~~ **accrue** service credit in **PERS and another retirement plan** ~~((, am I excluded from participating))~~ **at the same time, may I participate in PERS?** ~~((1) If you have earned service credit in any retirement plan operated wholly or in part by the state or a political subdivision, you can participate in PERS membership if an agreement exists between PERS and the other plan which permits you to retain service credit in more than one retirement system. See RCW 41.40.023(4). Such an agreement exists between PERS and the following systems:~~

- ~~(a) The retirement systems listed under RCW 41.50.030;~~
- ~~(b) The retirement systems of the cities of Seattle, Spokane and Tacoma; and~~

~~(c) The Teachers Insurance & Annuity Association/College Retirement Equity Fund retirement plan.~~

~~(2) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed:~~

- ~~(a) "Membership" — RCW 41.40.023.~~

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(b) "Retirement plan" - WAC 415-108-0105

(e) "Service" - RCW 41.40.010.) (1)(a) Yes. You may earn service credit in PERS and any of the following systems at the same time if:

(i) You work for a PERS employer and an employer covered by a retirement system of the city of Seattle, Spokane or Tacoma (First Class City Retirement System); and

(ii) You cannot report service for the First Class City Retirement System in PERS;

(b) The combined service credit under PERS and the retirement system listed in (a) of this subsection may not exceed one month of service for a calendar month of employment.

(c) To qualify for PERS service credit, it is up to the employee to initiate the process by applying under subsection (2) of this section.

Example: A member works part time for the City of Seattle and part time for the University of Washington (UW). She may receive partial service credit in PERS for the UW service since she cannot report the time she works for Seattle under PERS.

Note: The combined service credit under PERS and the City of Seattle Retirement System may not exceed one month of service for a calendar month of employment. To receive PERS service credit she must apply to the department.

### (2) How do I apply?

(a) To apply for membership and service credit under subsection (1) of this section you must send the department an application. The application is a statement that you want membership and/or service credit in PERS. Include:

(i) Your name;

(ii) Your SSN;

(iii) All period(s) of service that you want to receive service credit for;

(iv) All PERS and non-PERS employer(s) that you worked for during the periods of service referenced in (a)(iii) of this subsection.

(b) After the department receives your application, it will contact your employer(s) to verify how much service credit you have earned. When the department receives the necessary information, it will determine how much service credit you will receive. At that time the department will send you a bill for member contributions and interest that must be paid in order to establish the service credit.

### (3) When should I submit my payment?

You should pay contributions and interest required under subsection (2)(b) of this section within twenty-four consecutive months from the last day of the calendar year for which you claim service credit. After that date, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(4) What if I worked before this WAC became effective?

If you worked for a PERS employer and for one of the retirement systems listed in subsection (1) of this section, before this WAC became effective, you have until December

31, 2000, to apply in order to purchase service credit by paying member contributions plus interest. After December 31, 2000, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(5) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.40.023.

(b) "Retirement plan" - WAC 415-108-0105.

(c) "Service" - RCW 41.40.010.

(d) "Normally" - WAC 415-108-0102.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-005 Purpose and scope.** (1) **Purpose.** The rules adopted in this chapter further define and clarify the application of the portability statutes, chapter 41.54 RCW. Chapter 41.54 RCW allows:

(a) Service in dual member systems to be combined to determine service retirement eligibility; and

(b) Compensation earned in one dual member system to be used to calculate a retirement allowance in another designated system.

(2) **Scope.** This chapter shall apply to the retirement systems listed in RCW 41.50.030, except for LEOFF Plan ((H)) 1. This chapter must be read to be consistent with the statutory provisions of chapter 41.54 RCW and the statutory provisions governing the dual member systems. These rules may be used by the first class city retirement systems but do not mandatorily apply to them. These rules do apply to all dual member benefits calculated and paid by the department, even if one of the member's systems is a first class city retirement system.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0302 Average compensation—Definition.** "Average compensation" means the compensation used by a particular retirement system to calculate a dual member's service retirement allowance. The actual meaning of the term varies depending upon the retirement system. With respect to each dual member system, "average compensation" means:

(1) **First class city retirement systems:** Final compensation as defined in RCW 41.28.010;

(2) **State-wide cities retirement systems:** Final compensation as defined in 41.44.030(14);

(3) **TRS:**

(a) Plan ((H)) 1: Average earnable compensation as defined in RCW 41.32.497 and 41.32.498;

(b) Plans ((H)) 2 and 3: Average final compensation as defined in RCW 41.32.010(30);

(4) **PERS:** Average final compensation as defined in RCW 41.40.010(17);

(5) **LEOFF Plan ((H)) 2:** Final average salary as defined in RCW 41.26.030 (12)(b); and

(6) **WSPRS:** Average final salary as defined in RCW 43.43.120.



AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0303 Dual member system—Definition.** "Dual member system" means the state and city retirement systems admitted to participate under chapter 41.54 RCW. These systems are:

- (1) PERS Plans ((H)) 1 and ((H)) 2;
- (2) TRS Plans ((H)) 1, 2 and ((H)) 3;
- (3) LEOFF Plan ((H)) 2;
- (4) WSPRS;
- (5) State-wide city employees' retirement system; and
- (6) The first class city retirement systems.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0305 Member participant—Definition.** (1) For all dual member systems administered by the department other than TRS Plan ((H)) 1 "member participant" means a person who is employed for compensation in a dual member system qualifying position and is admitted into the membership of the system.

(2) For TRS Plan ((H)) 1, "member participant" includes persons meeting the definition of subsection (1) of this section and also means a member who is not employed for compensation but has accumulated contributions standing to his or her credit with TRS.

(3) For the first class city systems, this definition may not apply, see WAC 415-113-005. If you have a question, you should contact the appropriate first class city system.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0309 Nonmember participant—Definition.** (1) "Nonmember participant," means a person who is no longer employed in a dual member system qualifying position but has not withdrawn his or her accumulated employee contributions.

(2) This definition does not apply to TRS Plan ((H)) 1. A TRS Plan ((H)) 1 member who meets the criteria of subsection (1) of this section is a member participant, see WAC 415-113-0307.

(3) This section applies only to the retirement systems listed in RCW 41.50.030.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-0310 System acronyms—Definition.** The acronyms used in this chapter mean:

- (1) "LEOFF Plan ((H)) 2" means Law Enforcement Officers' and Fire Fighters' Retirement System Plan ((H)) 2.
- (2) "PERS Plan ((H)) 1" means Public Employees' Retirement System Plan ((H)) 1.
- (3) "PERS Plan ((H)) 2" means Public Employees' Retirement System Plan ((H)) 2.
- (4) "TRS Plan ((H)) 1" means Teachers' Retirement System Plan ((H)) 1.

(5) "TRS Plan ((H)) 2" means Teachers' Retirement System Plan ((H)) 2.

(6) "TRS Plan 3" means Teachers' Retirement System Plan 3.

(7) "WSPRS" means Washington State Patrol Retirement System.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-041 Am I a dual member?** You must meet all of the following criteria to be a dual member:

(1) **You must be a member of a dual member system.** You must be a current member participant in at least one dual member system to be a dual member. You may have established dual member status if you are or were a member participant of a dual member system on or after:

(a) July 1, 1988, for current or former members of PERS, TRS, SCERS or WSPRS;

(b) July 25, 1993, for current or former members of LEOFF Plan II; or

(c) January 1, 1994, for current or former members of a first class city retirement system;

(2) **You must be a former or current member of another dual member system.**

(3) **You must not have been retired for service from a retirement system.** You are not a dual member if you have ever been retired for service from any retirement system administered by the department of retirement systems or a first class city retirement system.

(4) **You must not be in receipt of a disability benefit from a dual member system.** If you are receiving a disability retirement allowance or disability leave benefits from a dual member system or LEOFF Plan ((H)) 1, you cannot be a dual member.

(a) If you have received a lump sum disability benefit from PERS Plan ((H)) 2, TRS Plan ((H)) 2 or 3 or LEOFF Plan ((H)) 2 you are in receipt of a disability benefit unless the department has found that you are no longer disabled.

(b) You are not receiving a disability retirement allowance or disability leave benefits if you:

(i) Previously received disability benefits and the department has subsequently found that you are no longer disabled, and has terminated your disability benefit; or

(ii) Retired for disability from service from WSPRS.

**Example 1:** A former PERS Plan ((H)) 1 member who has never been retired and becomes a member participant in TRS Plan ((H)) 2 through employment with a TRS employer becomes a dual member.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4).

(b) "Dual member system" - WAC 415-113-0303.

(c) "Member participant" - WAC 415-113-0305.



**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-042 Can I terminate my status as a dual member? Termination of dual member status—Reestablishing dual member status.** (1) **If you are not a member, you are not a dual member.** If you are no longer a member participant in any dual member system, you are no longer a dual member. If you later become a member of a dual member system, you again become a dual member.

**Example 2:** Upon separation from TRS Plan ((H)) 2 eligible employment, the person in Example 1 in WAC 415-113-041 is no longer a member of TRS Plan ((H)) 2 nor a dual member.

(2) **If you retire, you are no longer a dual member.** Upon retirement from any or all dual member systems, a person is no longer a dual member except for the purpose of receiving a deferred retirement allowance under RCW 41.54.030(3) and WAC 415-113-070.

(3) **If you are not a dual member, you may still be eligible for a multiple system benefit.** If you are no longer a dual member you may still be able to receive a multiple system benefit if otherwise eligible. The accrual date of your retirement allowance will vary depending upon the provisions of the particular system. You can find the accrual dates of different dual member systems in the following provisions:

- (a) **PERS ((F)) 1:** RCW 41.40.193;
- (b) **PERS ((H)) 2:** RCW 41.40.680;
- (c) **TRS ((F)) 1:** WAC 415-112-520;
- (d) **TRS ((H)) 2:** RCW 41.32.795;
- (e) **TRS 3:** RCW 41.32.855;
- (f) **LEOFF ((H)) 2:** RCW 41.26.490.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (b) "Dual member system" - WAC 415-113-0303.
- (c) "Member participant" - WAC 415-113-0305.
- (d) "Multiple system benefit" - WAC 415-113-0306.

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-045 Can I reestablish service credit in a prior system? (1) You may reestablish service credit terminated by a withdrawal of contributions from a prior system.** If you repay contributions you withdrew from a prior dual member system plus interest from the date of withdrawal you will recover the service terminated by the withdrawal. To qualify, you must repay the contributions plus interest within twenty-four consecutive months from the date you became a dual member.

- (a) The twenty-four-month restoration period continues to run even if you terminate dual member status.
- (b) If you terminate your dual member status but later become a dual member again, you have twenty-four consec-

utive months from the date you regain dual member status to repay withdrawn contributions.

**Example 3:** A person becomes a dual member on January 1, 1994. She has until December 31, 1995, to restore any previously withdrawn contributions for service credit in a prior system regardless of whether she subsequently loses her status as a dual member.

**Example 4:** A person becomes a dual member on January 1, 1994, separates from membership on January 1, 1995, and then reenters membership on January 1, 1996. He has until December 31, 1997, twenty-four consecutive months from the date he regained dual member status, to restore withdrawn contributions in any prior system.

(c) If you have previous service in LEOFF Plan ((H)) 2 or a first class city system:

(i) If you were a dual member on July 25, 1993, and you used to be a member of LEOFF Plan ((H)) 2, you have until July 24, 1995, to repay your withdrawn contributions.

(ii) If you were a dual member on January 1, 1994, and you used to be a member of a first class city retirement system, you have until December 31, 1995, to repay your withdrawn contributions.

**Example 5:** A person is a member participant in PERS Plan ((H)) 2 and has previous service in LEOFF Plan ((H)) 2. LEOFF Plan ((H)) 2 was newly admitted to participate under the portability provisions of chapter 41.54 RCW on July 25, 1993. Therefore, the person has until July 24, 1995, to restore her prior LEOFF Plan ((H)) 2 service.

(2) **You may reestablish TRS Plan ((F)) 1 membership.** If a PERS member restores withdrawn TRS Plan ((F)) 1 contributions under this section he or she:

- (a) Reestablishes membership in TRS Plan ((F)) 1; and
- (b) Will participate prospectively in TRS Plan ((F)) 1 if employed by a state agency, school district or other TRS employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (b) "Dual member system" - WAC 415-113-0303.
- (c) "First class city retirement system" - WAC 415-113-0304.

**AMENDATORY SECTION** (Amending WSR 96-20-004, filed 9/19/96, effective 10/20/96)

**WAC 415-113-059 Can I combine service from different systems to qualify for increased benefits? (1) You may combine service to determine retirement eligibility.** You may combine your service in all systems for the sole purpose of determining your eligibility for a disability or ser-

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vice retirement allowance from your current system and a service retirement allowance from your prior system.

(2) **You may not combine service for any other purpose.** You may not combine your service in all systems to qualify for additional benefits offered by a particular system. Those additional benefits include but are not limited to:

(a) PERS Plan ((H)) 1 military service. You may not combine service from other systems to qualify for military service credit in PERS Plan ((H)) 1 under RCW 41.40.170.

(b) LEOFF Plan ((H)) 2 post-separation benefits. You may not combine your accrued service under both systems for purposes of qualifying for:

(i) A LEOFF Plan ((H)) 2 indexed retirement allowance under RCW 41.26.530(2); or

(ii) A refund of one hundred fifty percent of the LEOFF Plan ((H)) 2 member's accumulated contributions under RCW 41.26.540.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "System" - RCW 41.54.010(6).

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-065 Can I substitute salary from one system to another? (1) You can substitute base salary between systems.**

(a) If you elect to retire with a multiple system benefit, you may substitute your base salary under one dual member system for your includable compensation in a second dual member system for purposes of computing a retirement allowance from the second system. Using the substituted salary, the department will compute your average compensation under each system's own requirements.

**Example 6:** At retirement, a person is a member participant in PERS Plan ((H)) 2 and has prior creditable service in TRS Plan ((H)) 1. Assume the multiple system retiree earned her highest compensation during her PERS Plan ((H)) 2 service. The retiree's PERS Plan ((H)) 2 retirement allowance will be based on her PERS Plan ((H)) 2 average compensation. For purposes of computing her TRS average compensation and retirement allowance, she may substitute her PERS Plan ((H)) 2 base salary earned over two consecutive fiscal years for her earnable compensation in TRS.

**Example 7:** At retirement, a person is a member participant in TRS Plan ((H)) 1 and has prior creditable service in PERS Plan ((H)) 1. Assume the multiple system retiree earned his highest compensation during his membership in TRS Plan ((H)) 1. The retiree may substitute his base salary earned while a member in TRS Plan ((H)) 1 for his PERS Plan ((H)) 1 compensation earnable. However, because he may substitute only his base salary from TRS Plan ((H)) 1 for his compensation earn-

able in PERS, his PERS average compensation will not include any cashout payments from his TRS employer.

(b) If you do not have sufficient service credit months in one dual member system to complete an average compensation period under that system, the department will substitute the appropriate number of months of base salary from another system to complete the average compensation period.

**Example 8:** A person who has creditable service in TRS Plan ((H)) 1 and PERS Plan ((H)) 2 retires at age sixty-five having accrued twenty-four months of service in PERS Plan ((H)) 2. Under PERS Plan ((H)) 2, a member's average compensation period is the member's highest consecutive sixty-month period of compensation. To compute the multiple system retiree's PERS Plan ((H)) 2 retirement allowance, the department will substitute her highest consecutive thirty-six service credit months of TRS base salary to complete the PERS sixty-month average compensation period.

(2) **Adjusted full-time salary is not base salary.** A multiple system retiree's adjusted full-time salary under RCW 41.32.345 shall not constitute base salary for purposes of computing the retiree's multiple system benefit.

(3) **Includable compensation defined.** For purposes of this chapter, "includable compensation" means:

(a) Earnable compensation under TRS Plan ((H)) 1, ~~2 or 3~~ as defined in RCW 41.32.010(10);

(b) Compensation earnable under PERS Plan ((H)) 1 or ((H)) 2 as defined in RCW 41.40.010(8);

(c) Basic salary under LEOFF Plan ((H)) 2 as defined in RCW 41.26.030 (13)(b); and

(d) Monthly salary under WSPRS as used in RCW 43.43.120(15).

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC 415-113-0302.

(b) "Base salary" - RCW 41.54.010(1).

(c) "Dual member system" - WAC 415-113-0303.

(d) "Member participant" - WAC 415-113-0305.

(e) "Multiple system benefit" - WAC 415-113-0306.

(f) "Multiple system retiree" - WAC 415-113-0308.

**AMENDATORY SECTION** (Amending WSR 96-20-004, filed 9/19/96, effective 10/20/96)

**WAC 415-113-070 Can I defer my retirement allowance from a system if I retire with a multiple system benefit? (1) You may defer receipt of your retirement allowance.** If, by combining creditable service, you qualify to retire in one system but not in a second system, you must either:

(a) Receive an actuarially reduced retirement allowance from the second system; or

(b) Defer retirement in the second system until a later date of your choice. If you choose to begin receiving a retire-

ment allowance from your second system before you are fully eligible, the benefit will be actuarially reduced.

(i) If you elect to defer retirement in the second system, you retain dual member status for the sole purpose of receiving a deferred multiple system benefit;

(ii) If you retire from all systems but elect to defer retirement in one dual member system under RCW 41.54.030(3), you may not subsequently withdraw accumulated contributions from that system.

(c) An actuarial reduction under (a) or (b) of this subsection, if applicable, will account for the difference between your age at the time you begin receiving the retirement allowance and the earliest age where you would be fully eligible based upon your combined service. "Fully eligible" means a person who has enough combined service to qualify for a retirement allowance from a dual member system without receiving a reduction for:

(i) Early retirement from a Plan ((H)) 2 system (~~pursuant to~~) under RCW 41.40.630(2), 41.32.765(2), 41.26.430(2); or

(ii) Early retirement from a Plan 3 system under RCW 41.32.875(2); or

(iii) Retirement as a nonmember participant from WSPRS under RCW 43.43.280(2).

**(2) If you defer your retirement allowance and later reenter membership, you are no longer a dual member.** If, after deferring retirement, you enter membership in a dual member system, your dual member status terminates. Once your dual member status terminates:

(a) You may only retire under the deferred system if eligible based solely upon that system's retirement eligibility criteria; and

(b) Your retirement allowance under the deferred system will be based solely upon service actually established in that system.

**Example 9:** A sixty-two year old dual member of PERS Plan ((H)) 1 and TRS Plan ((H)) 2 retires. He elects to receive PERS Plan ((H)) 1 benefits but defer receipt of a TRS Plan ((H)) 2 retirement allowance. If he becomes reemployed in a TRS Plan ((H)) 2 eligible position, he will reenter TRS Plan ((H)) 2 membership if otherwise eligible and terminate his dual member status, but he will continue to receive his PERS Plan ((H)) 1 retirement allowance. The member's eligibility to retire from TRS Plan ((H)) 2 will be based solely on his accrued service credit in TRS Plan ((H)) 2 and his TRS Plan ((H)) 2 retirement allowance will be based solely on his compensation while he was a member participant in TRS Plan ((H)) 2.

**Example 10:** Assume the retiree in Example 9 above became reemployed in a PERS position rather than a TRS Plan ((H)) 2 position. The retiree would reenter PERS Plan ((H)) 1 membership, if otherwise eligible, and terminate his dual member status. The effect

on the person's right to a TRS Plan ((H)) 2 benefit is the same as in Example 9. Because the retiree reentered PERS membership, the department would also suspend his PERS Plan ((H)) 1 retirement allowance.

**(3) If you defer your retirement allowance and die before you begin receiving the allowance, your survivor may receive a continuing benefit.** If you defer receipt of your retirement allowance from a system and die before you elect to begin receiving the allowance:

(a) Your surviving spouse, if any, must elect to receive either:

(i) A joint and one hundred percent survivor option from the deferred system. If your surviving spouse selects this option, your base salary under one system may be substituted for your includable compensation in the deferred system to compute the survivor retirement allowance from the deferred system; or

(ii) A refund of your accumulated contributions from the deferred system.

(b) If you do not have a surviving spouse, the department will pay your accumulated contributions from the deferred system to:

(i) Your designated beneficiary or beneficiaries; or

(ii) Your estate, if there are no living beneficiaries.

**(4) Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - RCW 41.32.010(4), WAC 415-113-041.

(b) "Member participant" - WAC 415-113-0305.

(c) "Includable compensation" - WAC 415-113-065(3)

(d) "Multiple system participant" - WAC 415-113-0307.

(e) "Nonmember participant" - WAC 415-113-0309.

(f) "System" - RCW 41.54.010(6).

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-080 Can I retire retroactively? You may retire retroactively.** If you retire from all dual member systems, your retirement allowance from a prior system will be retroactive back to your accrual date under the prior system.

**(1) Accrual date determined.** The department will determine your accrual date in each system by combining your total service and applying the statute or rule designating accrual dates in the particular system. Your accrual date for purposes of this section is the date that your combined service first makes you eligible for an unreduced benefit.

**Example 11:** A person is a fifty-five year old member participant in PERS Plan ((H)) 2 and a nonmember participant in LEOFF Plan ((H)) 2. The person decides not to retire from LEOFF Plan ((H)) 2 until he is eligible to retire with full benefits from PERS Plan ((H)) 2 at age sixty-five. Upon retirement, he will be entitled to a LEOFF Plan ((H)) 2

retirement allowance effective on his accrual date under LEOFF Plan ((H)) 2 (i.e., age fifty-five).

**Example 12:** A person with twenty years of prior service in TRS Plan ((H)) 1 becomes a member participant in PERS Plan ((H)) 2 on her fifty-fourth birthday. By combining her service in both systems under chapter 41.54 RCW, she will become eligible to retire under TRS Plan ((H)) 1 at age fifty-nine with twenty-five total years of service. Assume she retires from both systems at age sixty-five. Her TRS Plan ((H)) 1 retirement allowance will be effective back to the date it accrued under TRS Plan ((H)) 1 (i.e., the first of month following the month she turns fifty-nine).

(2) **You cannot use salary earned after your accrual date in calculating your retroactive benefit.** If you retire retroactively from a prior system, the department will not use any of the salary you earned after your accrual date to compute your benefit from the prior system.

**Example 13:** A PERS Plan 1 member receives a salary of \$3,000 per month. She has 30 years of service credit at age 50 and is eligible to retire with an unreduced (full) benefit.

Subsequently, she is offered a TRS Plan 3 covered position at a monthly salary of \$3,500. If she accepts the TRS Plan 3 posi-

tion, will she be able to use its higher monthly salary of \$3,500 as base salary to calculate her PERS Plan 1 retirement benefit when she does retire? No, she will not. The TRS Plan 3 salary would have been earned after the PERS Plan 1 accrual date: The date that she first became eligible to retire with an unreduced benefit under PERS Plan 1 rules.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member system" - WAC 415-113-0303.
- (b) "Member participant" - WAC 415-113-0305.
- (c) "Nonmember participant" - WAC 415-113-0309.

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-082 Could retroactive retirement cancel my membership in a subsequent system?** (1) **If you retire retroactively from a prior system, you could cancel your membership in a subsequent system.** If your membership in a subsequent system would have been prohibited under RCW 41.04.270 but for your status as a dual member, and you retire retroactively from a prior system, the department will cancel your membership and refund your contributions in the subsequent system under RCW 41.54.020(1). Your retroactive retirement from a prior system may cancel your membership in a subsequent system according to the following table:

How much service did you earn in your prior system?	Were you eligible to retire in the prior system before you became a member of your subsequent system?	Will retroactive retirement from your prior system cancel your membership in subsequent system?
15 years or more	No	No (See Example 13)
15 years or more	Yes	Yes, unless you retire from both the prior and subsequent system under RCW 41.54.030(2). (See Example 14)
Less than 15 years	No	No (See Example 15)
Less than 15 years	Yes	No (See Example 15)

See RCW 41.54.020(1) and RCW 41.04.270.

**Example((13)) 14:** A nonmember participant in LEOFF Plan ((H)) 2 who has accrued sixteen years of service in LEOFF Plan ((H)) 2 became a member of PERS Plan ((H)) 2 at age fifty-four. Because she became a member participant of PERS Plan ((H)) 2 at age fifty-four, prior to attaining retirement eligibility under LEOFF Plan ((H)) 2 (i.e., age fifty-five), she may later retire retroactively from LEOFF Plan ((H)) 2, subject to LEOFF Plan

((H)) 2 criteria, while continuing membership in PERS Plan ((H)) 2.

**Example((14)) 15:** A nonmember participant in LEOFF Plan ((H)) 2 with sixteen years of accrued service became a member of PERS Plan ((H)) 2 at age fifty-five. If he attempts to retire from LEOFF Plan ((H)) 2 while continuing membership in PERS Plan ((H)) 2, the department will cancel his PERS Plan ((H)) 2 membership and refund his PERS contributions. However, if he retires from both sys-

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tems, he is entitled to retain the benefits of his PERS Plan ((H)) 2 membership.

**Example((15)) 16:** Assume either of the retirees in Examples 13 and 14 above had accrued less than fifteen years of service in LEOFF Plan ((H)) 2. In this case, RCW 41.04.270 would not apply to prevent the retirees from establishing PERS Plan ((H)) 2 membership. Either person could retire retroactively from the LEOFF Plan ((H)) 2 without canceling membership and participation in PERS Plan ((H)) 2.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (b) "Member participant" - WAC 415-113-0305.
- (c) "Nonmember participant" - WAC 415-113-0309.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-084 How will my benefit be computed if I retire retroactively from LEOFF Plan ((H)) 2? (1) Computation of your retroactive LEOFF Plan ((H)) 2 retirement allowance.** If you retire with a multiple system benefit and one of your retirement allowances is a retroactive LEOFF Plan ((H)) 2 allowance, the department will compute your LEOFF Plan ((H)) 2 allowance based upon the greater of:

- (a) Your LEOFF Plan ((H)) 2 final average salary, substituting some or all of your base salary under the second system which you earned prior to the date your LEOFF Plan ((H)) 2 retirement allowance began to accrue (i.e., age fifty-five); or
- (b) An indexed retirement allowance under RCW 41.26.530(2) using your LEOFF Plan ((H)) 2 average compensation.

**Example((16)) 17:** A person who is a nonmember participant of LEOFF Plan ((H)) 2 and a member participant of PERS Plan ((H)) 2 retires from both systems at age sixty-five. If he had accrued twenty-one years of creditable service in LEOFF Plan ((H)) 2, the multiple system retiree's LEOFF Plan ((H)) 2 retirement allowance may be based upon either: His substituted PERS Plan ((H)) 2 base salary which he earned prior to attaining retirement eligibility in LEOFF at age fifty-five; or the LEOFF Plan ((H)) 2 indexed retirement allowance under RCW 41.26.530(2) using his LEOFF Plan ((H)) 2 average compensation. The department will use the method which results in the largest retirement allowance.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member participant" - WAC 415-113-0305.
- (b) "Multiple system benefit" - WAC 415-113-0306.
- (c) "Multiple system retiree" - WAC 415-113-0308.
- (d) "Nonmember participant" - WAC 415-113-0309.

AMENDATORY SECTION (Amending WSR 96-20-004, filed 9/19/96, effective 10/20/96)

**WAC 415-113-090 What is the maximum retirement benefit that I may receive under chapter 41.54 RCW? (1) Your benefit may not exceed the highest benefit limit under any one system.** Your multiple system benefit may not exceed the highest maximum benefit which you would be permitted to receive under any one of the dual member systems from which you are retiring. See RCW 41.54.070.

(2) **The department will compute your maximum multiple system benefit in the following order:**

(a) **Calculate the maximum benefit you could receive under each system.** The department will compute your maximum benefit according to the benefit limitation provisions of each system as if you had earned your total career service and compensation in that system. In computing your maximum benefit under each system, the department will:

- (i) Apply the provisions of each system governing the calculation of your average compensation in that system; and
- (ii) Assume you earned all of your career service with your last employer for purposes of determining any limitations on the inclusion of leave cashouts in your average compensation.

**Example((17)) 18:** A multiple system retiree retires from TRS Plan ((F)) 1 state employment with prior creditable PERS Plan ((F)) 1 service. His state employer pays him an accrued sick leave cashout at termination. Because a sick leave cashout from a state agency employer is not includable as earnable compensation, the department will not include the cashout in the retiree's average compensation for purposes of computing either his PERS Plan ((F)) 1 or TRS Plan ((F)) 1 maximum benefit.

**Example((18)) 19:** A multiple system retiree retires from PERS Plan ((F)) 1 local government employment and receives a sick leave cashout. Because a sick leave cashout from a local government employer may be included as earnable compensation, the department will include the sick leave cashout to compute the retiree's maximum benefits under both PERS Plan ((F)) 1 and TRS Plan ((F)) 1.

(b) **Determine your retirement allowances from each system.** After computing your maximum benefit, the department will determine the retirement allowances which you are entitled to from each system under chapter 41.54 RCW

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before making any reduction under RCW 41.54.070. If applicable, the department will then reduce the amount of your retirement allowances provided by either of the dual member systems for:

(i) Your status as a nonmember participant of WSPRS pursuant to RCW 43.43.280(2); or

(ii) Your election to retire early from a Plan ((H)) 2 system ~~((pursuant to))~~ under RCW 41.40.630(2), 41.32.765(2), and 41.26.430(2) or Plan 3 system under RCW 41.32.875(2).

(c) **Compute your total multiple system benefit.** Upon computing your retirement allowances from each system and making any applicable reductions under (b) of this subsection, the department will add the systems' allowances to compute your total multiple system benefit.

(d) **Compare your total multiple system benefit with your maximum benefit and, if necessary, proportionately reduce your retirement allowances.** The department will then compare your total multiple system benefit with your maximum benefit calculated in (a) of this subsection. If your total multiple system benefit exceeds your maximum benefit, the department will proportionately reduce your retirement allowances provided by each system as follows:

(i) Calculate what proportion your total multiple system benefit is provided by each system separately;

(ii) Proportionately reduce the benefit provided by each system to account for the excess of your total multiple system benefit over your maximum benefit.

**Example((19)) 20:** A person with twenty-nine years of prior service in TRS Plan ((F)) 1 and one year of subsequent service in PERS Plan ((H)) 2 retires from both systems at age sixty-five. The retiree's TRS Plan ((F)) 1 average compensation is thirty thousand dollars. The TRS Plan ((F)) 1 maximum benefit is sixty percent of average compensation. The retiree's maximum TRS benefit is eighteen thousand dollars or one thousand five hundred dollars per month. The retiree's PERS Plan ((H)) 2 average compensation is twenty-eight thousand dollars. The retiree's maximum PERS ((H)) 2 benefit is sixteen thousand eight hundred dollars or one thousand four hundred dollars per month. The retiree's maximum benefit is the higher of the two amounts, one thousand five hundred dollars per month.

Assume the retiree's accrued service is such that her actual TRS Plan ((F)) 1 monthly benefit is one thousand four hundred fifty dollars and her PERS Plan ((H)) 2 monthly benefit is one hundred dollars. The retiree's total multiple system benefit is the sum of her TRS Plan ((F)) 1 and PERS Plan ((H)) 2 benefits, or one thousand five hundred fifty dollars. Because the retiree's total multiple system benefit exceeds her maximum

benefit by fifty dollars, the department would proportionately reduce her TRS Plan ((F)) 1 and PERS Plan ((H)) 2 benefits. Her TRS Plan ((F)) 1 benefit is 29/30 of her total service or ninety-seven percent, and her PERS Plan ((H)) 2 benefit is 1/30 of total service, or three percent. The department would reduce her TRS Plan ((F)) 1 benefit by ninety-seven percent of the overage, or forty-eight dollars and fifty cents (50 x .97) and her PERS Plan ((H)) 2 benefit by three percent of the overage, or one dollar and fifty cents (50 x .03).

(3) **If you select a benefit payment option, the department will reduce your multiple system benefit to account as appropriate.** After making any applicable maximum benefit reductions, the department will further reduce your benefit if you elect:

(a) To withdraw your accumulated contributions at the time you retire from TRS Plan ((F)) 1;

(b) A survivor benefit option; or

(c) A cost-of-living adjustment (COLA) option.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC 415-113-0302.

(b) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(c) "Dual member system" - WAC 415-113-0303.

(d) "First class city system" - WAC 415-113-0304.

(e) "Member participant" - WAC 415-113-0305.

(f) "Multiple system benefit" - WAC 415-113-0306.

(g) "Multiple system retiree" - WAC 415-113-0308.

(h) "Nonmember participant" - WAC 415-113-0309.

**AMENDATORY SECTION** (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

**WAC 415-113-100 Am I eligible for a lump sum retirement allowance?** (1) If you retire with a multiple system benefit and one of your retirement allowances is less than fifty dollars per month, you may receive a lump sum payment as allowed under RCW 41.54.090.

(2) Unless you are retiring from TRS Plan ((F)) 1, the department will use your standard retirement allowance to determine your eligibility for lump sum cashouts under RCW 41.54.090.

(3) If you are retiring from TRS Plan ((F)) 1, the department will use your maximum retirement allowance under TRS Plan ((F)) 1 to determine your eligibility for lump sum cashouts under RCW 41.54.090.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "Multiple system benefit" - WAC 415-113-0306.

**WSR 99-19-129**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 21, 1999, 2:14 p.m.]

AMENDATORY SECTION (Amending WSR 96-14-092, filed 7/2/96, effective 8/2/96)

**WAC 308-129-110 Seller of travel registration fees.**  
The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
<u>Original registration fee</u>	\$234.00
Registration renewal	234.00
<del>((Branch office registration fee</del>	<del>25.00</del>
<del>Branch office renewal</del>	<del>25.00))</del>
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

Original Notice.  
Preproposal statement of inquiry was filed as WSR 99-12-102.

Title of Rule: WAC 308-129-110.

Purpose: To allow the department to clarify by rule, the required fees as determined by legislative mandate.

Statutory Authority for Adoption: RCW 19.138.170(1).

Statute Being Implemented: RCW 19.138.100(2).

Summary: Legislative changes to chapter 19.138 [19.138] RCW has deemed it essential to revise the rules to the Seller of Travel Act.

Reasons Supporting Proposal: The new legislation passed in 1999 changes the duplicate license fee (branch offices) to be equal to the original license registration fee.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Schneider, 405 Black Lake Boulevard, Building #2, Olympia, WA 98502, (360) 586-0396.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies the registration fee for sellers of travel per legislative mandate. The amount of all duplicate registration fees (branch offices) will be assessed at the same rate as an original registration fee.

Proposal Changes the Following Existing Rules: This rule will change the duplicate registration fee of branch offices from \$25.00 per year to the same registration fee as an original registration fee of \$234.00 per year.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Legislative mandates do not require a small business economic impact statement.

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

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building #2, BPD Conference Room #1, Olympia, WA 98502, on November 5, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Randy Renfrow by October 22, 1999, TDD (360) 586-2788, or (360) 586-0396.

Submit Written Comments to: Michael Schneider, Deputy Administrator, Department of Licensing, Sellers of Travel Section, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-0396, fax (360) 664-2550, by October 22, 1999.

Date of Intended Adoption: December 19, 1999.

September 21, 1999  
Michael W. Schneider  
Deputy Administrator

**WSR 99-19-130**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed September 21, 1999, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-077.

Title of Rule: WAC 246-360-990 Transient accommodations fees.

Purpose: Increase the current licensing fees for transient accommodations.

Statutory Authority for Adoption: RCW 70.62.220, 43.70.110, 43.70.250.

Statute Being Implemented: RCW 70.62.220.

Summary: This amendment increases the current licensing fees for transient accommodations and adds a late payment fee.

Reasons Supporting Proposal: The 1999 legislature approved the department's request to increase fees above the I-601 limit.

Name of Agency Personnel Responsible for Drafting and Implementation: Bliss Moore, Olympia, Washington, (360) 705-6660; and Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

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 amendment will increase the licensing fee for transient accommodations and adds a late payment fee. The license fee increase will assist in covering the costs of operating the licensing and enforcement program.

Proposal Changes the Following Existing Rules: The licensing fee will increase for all unit categories, a late payment fee of \$50.00 is added, and language is deleted addressing fees for additional on-site surveys.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt

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under RCW 34.05.310 (4)(f) and therefore does not require a small business economic impact statement. However, the proposed fees are in a "tiered" standard with smaller facilities (3-10 beds) having the lowest licensing fee to assist in mitigating costs on smaller facilities. The department did prepare a fee study which provides documentation of the need for the fee increase.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Westcoast SeaTac, 18220 Pacific Highway South, Seattle, WA 98188, on October 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Alisa Smith by October 15, 1999, TDD (800) 833-6388, or (360) 705-6788.

Submit Written Comments to: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, e-mail JZP0303@doh.wa.gov, fax (360) 705-6654, by October 26, 1999.

Date of Intended Adoption: October 29, 1999.

September 20, 1999

Mary Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 94-21-016, filed 10/6/94, effective 11/6/94)

**WAC 246-360-990 Fees.** (1) The licensee or applicant ~~((shall))~~ **must submit:**

(a) ~~((Submit))~~ **An annual fee according to the following schedule:**

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ <del>((55))</del> <b>100</b>
11 - 49	\$ <del>((140))</del> <b>200</b>
50 - over	\$ <del>((160))</del> <b>400</b>

(b) ~~((Submit a transition fee of forty five dollars for any license renewed in 1995;))~~ **A late fee of fifty dollars, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date:**

(c) ~~((Submit))~~ **An additional fee of fifty dollars for an amended license due to changing the number of lodging units or the name of the transient accommodation(;**

(d) ~~Submit an additional one hundred fifty dollars when billed by the department for:~~

(i) ~~A third on site visit resulting from a licensee's or applicant's failure to adequately respond to a statement of deficiencies; and~~

(ii) ~~A complete on-site survey resulting from a substantiated complaint).~~

(2) The department shall refund fees only when all the following conditions are met:

(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);

(b) Transfer of ownership is not finalized;

(c) The applicant requests a refund in writing; and  
(d) The department receives the fee and the request for refund in the same biennium.

**WSR 99-19-132**

**PROPOSED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 21, 1999, 3:44 p.m.]

Supplemental Notice to WSR 99-05-068.

Preproposal statement of inquiry was filed as WSR 97-16-012.

Title of Rule: Predecessor-successor relationship and requests of partial successors, chapter 50.29 RCW.

Purpose: See CR-102 filed February 17, 1999, as WSR 99-05-068.

Other Identifying Information: A joint hearing is being scheduled for both rules as they derive from WAC 192-12-072 which is being repealed.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Chapter 50.29 RCW.

Summary: See CR-102 filed February 17, 1999, as WSR 99-05-068.

Reasons Supporting Proposal: The proposed regulations will clarify these situations for employers.

Name of Agency Personnel Responsible for Drafting: George Mante, 212 Maple Park, Olympia, WA 98507, (360) 902-9642; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, WA 98507, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See CR-102 filed February 17, 1999, as WSR 99-05-068 with the Code Reviser's Office.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will not impact businesses in particular industries as defined in chapter 19.85 RCW, revised, but will impact all industries equally. In addition chapter 19.85 RCW, revised (RCW 19.85.025(3)) applies to paragraph below.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rules will meet the intent of RCW 34.05.310. Public access will be through hearings and solicitation of comment from select stakeholders.

Hearing Location: Employment Security Department, UI Conference Room B, 4th Floor, 212 Maple Park, Olympia, WA 98504, on October 27, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact George Mante by October 20, 1999, (360) 902-9642.

Submit Written Comments to: George Mante, Tax Reform Coordinator, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9556, by October 26, 1999.

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Date of Intended Adoption: November 17, 1999.  
September 21, 1999  
Carver Gayton  
Commissioner

the following calendar year you will receive the average industry rate. You will keep this rate until you qualify for a different rate in your own right.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 192-12-072 Predecessor-successor relationship defined.

**NEW SECTION**

**WAC 192-300-050 Predecessor-successor relationship defined.** This section applies only to those individuals and organizations that meet the definition of an employer contained in RCW 50.04.080.

(1) **Predecessor.** You are a "predecessor" if, during any calendar year, you transfer any of the following to another individual or organization:

- (a) All, or a portion, of your operating assets as defined in subsection (3) below; or
- (b) A separate unit or branch of your trade or business.

(2) **Successor.** You are a "successor" if, during any calendar year, you acquire substantially all of a predecessor employer's operating assets. You are a "partial successor" if, during any calendar year, you acquire:

- (a) A portion of a predecessor employer's operating assets, or
- (b) A separate unit or branch of a predecessor employer's trade or business.

(3) **Operating assets.** "Operating assets" include the properties you use in the normal course of business operations to generate your operating income. They may include properties that are real or personal, and tangible or intangible. Examples include land, buildings, machinery, equipment, stock of goods, merchandise, fixtures, or goodwill. Employees are not operating assets.

(4) **Transfer of assets.** Transfers from a predecessor to a successor employer may occur by sale, lease, gift, or any legal process, except those listed in subsection (5) below.

(5) **Exceptions.** A predecessor-successor relationship will not exist:

- (a) For the purposes of Chapter 50.24 RCW (payment of taxes). When the property is acquired through court proceedings, including bankruptcies, to enforce a lien, security interest, judgment, or repossession under a security agreement unless the court specifies otherwise;
- (b) For the purposes of Chapter 50.29 RCW (experience rating), when any four consecutive quarters, one of which includes the acquisition date, pass without reportable employment by either the predecessor, successor, or a combination of both.

**NEW SECTION**

**WAC 192-320-050 Requirements or partial successors—Chapter 50.29 RCW.** (1) If you are a partial successor, you must return the partial transfer of experience letter provided to you by the department within thirty days of the mailing date. Your response must indicate the percentage of operating assets transferred to you as the partial successor.

(2) If you do not return the letter within thirty days, you will keep the tax rate class that was assigned to the predecessor employer for the remainder of the rate year. However, in

**WSR 99-19-144**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed September 22, 1999, 8:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-13-149.

Title of Rule: Chapter 308-94 WAC, Snowmobiles and off-road and nonhighway vehicles, WAC 308-94-170 through 308-94-270.

Purpose: 1. Clarify the requirement to register off-road/nonhighway in a variety of situations.

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

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Repealing WAC 308-94-170 Certificates of title, 308-94-181 Vehicles titled that are not eligible for road use, 308-94-191 Vehicles issued regular title and off-road use permits, 308-94-200 Off-road and nonhighway vehicle use permit period, 308-94-210 Off-road and nonhighway vehicle use permit not required—When, 308-94-220 Display of off-road and nonhighway vehicle use permit decal, 308-94-240 Validating tab—Display, 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle, 308-94-261 Temporary off-road and nonhighway vehicle use permit, 308-94-265 Off-road vehicle dealer permit and 308-94-270 Off-road vehicle dealer plates—Costs; and new sections WAC 308-94A-005 Certificates of ownership and registration, 308-94A-010 Annual off-road/nonhighway vehicle use permit period, 308-94A-015 Off-road/nonhighway vehicle use permit not required—When, 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs, 308-94A-025 Temporary off-road/nonhighway vehicle use permit application, and 308-94A-030 Off-road vehicle dealer plate—Cost.

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

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules explain the registration procedures and

**PROPOSED**

costs for the operation of a snowmobile in Washington state. The purpose is to clarify, simplify and delete parts that are no longer needed. The anticipated effects are clear procedures that are written in a more readable and understandable form.

Proposal Changes the Following Existing Rules: Clarify sections as needed and repeal those no longer required.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street, Olympia, WA 98507, on October 28, 1999, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by October 27, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by October 27, 1999.

Date of Intended Adoption: November 20, 1999.

September 21, 1999

D. McCurley, Administrator  
Title and Registration Services

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 308-94-170 Certificates of title.
- WAC 308-94-181 Vehicles titled that are not eligible for road use.
- WAC 308-94-191 Vehicles issued regular title and off-road use permits.
- WAC 308-94-200 Off-road and nonhighway vehicle use permit period.
- WAC 308-94-210 Off-road and nonhighway vehicle use permit not required—When.
- WAC 308-94-220 Display of off-road and nonhighway vehicle use permit decal.
- WAC 308-94-240 Validating tab—Display.
- WAC 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle.
- WAC 308-94-261 Temporary off-road and nonhighway vehicle use permit.
- WAC 308-94-265 Off-road vehicle dealer permit.

WAC 308-94-270

Off-road vehicle dealer plates—Cost.

**Chapter 308-94A WAC**

**OFF-ROAD AND NONHIGHWAY VEHICLES**

NEW SECTION

**WAC 308-94A-005 Certificates of ownership and registration. (1) May I apply for a certificate of ownership for my off-road/nonhighway vehicle?** Yes, you may apply for a certificate of ownership at your local vehicle licensing office or through the department.

**(2) Do I have to purchase registration at the time of applying for certificate of ownership?** No, if you choose not to purchase registration at the time of titling, your vehicle record will be established without a road or off-road/nonhighway vehicle registration.

**(3) What are the different ways I may register my off-road/nonhighway vehicle?** You may register your off-road/nonhighway vehicle in one of the following ways:

(a) You may purchase registration for off-road/nonhighway use if the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use.

(b) If your vehicle qualifies for road use, you can purchase registration for use on the road as a motorcycle, passenger vehicle, truck, etc.; or

(c) If you are going to operate your vehicle where an off-road vehicle use permit or license is required, and your vehicle is licensed for road use, then you may purchase a temporary off-road vehicle permit for sixty days or annual off-road vehicle use permit (registration) and license without invalidating your regular road license. You are required to carry registrations on your person or on the vehicle and display license plate(s) with validating tabs assigned to those plates, and the decals with assigned validating tabs on the vehicle. The registrations may or may not expire at the same time.

**(4) Where do I carry the off-road/nonhighway temporary or annual vehicle use permit?** The off-road/nonhighway temporary or annual vehicle use permit must be carried on the vehicle on which it was assigned at all times. The permit may be carried by the operator on his or her person or in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

NEW SECTION

**WAC 308-94A-010 Annual off-road/nonhighway vehicle use permit period. (1) How long is my annual off-road/nonhighway vehicle use permit valid?** The registration year of the off-road/nonhighway annual use permit starts the day it is issued for the first time and expires the same day of the following year and is renewable annually on that date.

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(2) **Under what circumstances will the registration expiration date be changed?** The registration expiration date shall change when:

(a) It has been expired for more than one year and there is no change in ownership;

(b) The registration is expired at the time ownership is transferred and the new owner applies for an off-road/non-highway annual use permit;

(c) The registered owner requests a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability; or

(d) The vehicle has subsequently been registered in another jurisdiction and:

(i) No change in ownership has occurred;

(ii) The off-road/nonhighway vehicle is being registered again in Washington; or

(iii) The previous Washington registration has expired for more than one year.

(3) **Can I get a refund for my unused portion of my off-road/nonhighway annual use permit?** No, there is no refund for the unused portion.

#### NEW SECTION

**WAC 308-94A-015 Off-road/nonhighway vehicle use permit not required—When. When is an off-road/nonhighway vehicle use permit not required?** A vehicle used exclusively within the exceptions set forth in RCW 46.09.050 is not required to obtain an off-road/nonhighway vehicle use permit. Owners of off-road/nonhighway vehicles, which have been converted to, and registered as snowmobiles shall not be required to obtain off-road/nonhighway vehicle use permits.

#### NEW SECTION

**WAC 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs. (1) How do I display the assigned off-road/nonhighway vehicle use permit number and validation tabs on my vehicle?** The off-road/nonhighway use permit number and validation tabs shall be displayed by:

(a) Affixing the decals provided by the department to the right and left side or on the front and rear of the off-road vehicle. The decals shall be visible at all times; or

(b) Painting the vehicle use permit number in a manner that is readily legible and visible at all times. The characters must be at least one-inch high with a minimum of one-eighth inch stroke and in a color contrasting with the background; and

(c) Reading from left to right; and

(d) Affixing the validation month tab issued by the department no more than two inches in front of the beginning of the annual use permit decal number; and

(e) Affixing the validation year tab no more than two inches following the last digit in the annual use permit decal number.

(2) **If my off-road/nonhighway vehicle is registered for dual use, is the license plate required to be displayed?** Yes, the license plate must be displayed in the same manner as required for highway use.

#### NEW SECTION

**WAC 308-94A-025 Temporary off-road/nonhighway vehicle use permit application. What information does the department require when I apply for a temporary off-road/nonhighway vehicle use permit?** An application for a temporary off-road/nonhighway vehicle use permit may include the following:

(1) Name and address of the applicant;

(2) Off-road or nonhighway vehicle plate or registration number if registered in another state;

(3) Make and year of vehicle;

(4) Expiration date of the foreign state registration;

(5) Vehicle identification number; and

(6) Appropriate fees.

#### NEW SECTION

**WAC 308-94A-030 Off-road vehicle dealer plate—Cost. What is the cost of an off-road vehicle dealer's plate?** An off-road vehicle dealer shall pay three dollars and fifty cents, plus the reflectorization fee, for each dealer plate ordered from the department.

**WSR 99-19-151  
PROPOSED RULES  
STATE BOARD OF EDUCATION**

[Filed September 22, 1999, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-14-086.

Title of Rule: Chapter 180-24 WAC, School district organization.

Purpose: Amend and repeal current rules governing changes in school district boundaries to implement passage of 1999 legislation.

Other Identifying Information: Make technical adjustments, clarify existing provisions, repeal unnecessary wording and provisions unsupported by changes in state law, and provide greater flexibility or discretion to persons or entities subject to the rules.

Statutory Authority for Adoption: Chapter 315, Laws of 1999, partial veto; E2SHB 1477.

Statute Being Implemented: Chapter 28A.315 RCW (new and amended sections).

Summary: Changes in the rules governing the procedures for proposing changes in school district boundaries.

Reasons Supporting Proposal: Necessary to implement new state laws.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establish implementing rules, including definitions as appropriate, to implement new state laws governing changing school district boundaries. New state law provisions include: Lowering the citizen petition signature threshold to initiate a proposed change in school district boundaries; requiring affected school districts to first try and negotiate an agreement on a proposed change in school district boundaries; update decision-making criteria for the Regional Committees on School District Organization if such committees hear a proposed change in school district boundaries; remove final decision-making authority from the State Board of Education and instead allowed a limited appeal of certain regional committee decisions to the state board; establishment of an annual training requirement for regional committee members; requiring school districts to be notified of comprehensive planning meetings of cities and counties; repeal of law requiring that city and town boundaries must be within the boundaries of a single school district.

The intended effect of the new laws and proposed rules is to clarify and simplify the procedures for making changes in school district boundaries and center the responsibility for such changes at the most local level possible.

Proposal Changes the Following Existing Rules: See above. Also recodifies six sections; repeals a number of sections; eliminates the requirement for an organizational impact statement; makes technical modifications; deletes sections pertaining to the numbering and classification of school districts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Sunnyside School District, 1110 6th Street, Sunnyside, WA 98944, on October 27, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Carolyn Berger by October 8, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 8, 1999.

Date of Intended Adoption: October 29, 1999.

September 22, 1999

Larry Davis

Executive Director

## Part A General

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-003 Authority.** The general authority for this chapter is RCW 28A.305.130(~~(9)~~ which authorizes the

state board of education to carry out powers and duties relating to the organization and reorganization of school districts under chapter 28A.315 RCW. This authority is supplemented by the following specific statutes:

(1) ~~RCW 28A.305.150 which requires the state board of education to prescribe regulations governing the classification and numbering system of school districts;~~

(2) ~~RCW 28A.315.120 which authorizes the state board of education to establish standards and considerations to be utilized by regional committees and the state board of education for approval of proposals for changes in the organization of school districts, including any equitable adjustment of the assets and liabilities of the districts involved in the reorganization;~~

(3) ~~RCW 28A.315.060 which empowers the state board of education to establish regulations for the conduct of elections for membership on regional committees)) (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), and 28A.315.205(3).~~

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-007 Purpose and policy of chapter.** (1) The purpose of this chapter is (~~to set forth policies and procedures of the state board of education related to the implementation of its authority pursuant to chapter 28A.315 RCW, Organization and reorganization of school districts, and its related authority within RCW 28A.305.150 pertaining to the classification and numbering of school districts)) the same as set forth under RCW 28A.315.015(1).~~

(2) It is the policy of the state that decisions on changes in school district boundaries should be made by the affected districts whenever possible. When this is not possible the decision shall be made by the appropriate regional committee on school district organization taking into consideration the following factors:

(a) A balance of local petition requests and the needs of the state-wide community at-large (see RCW 28A.315.015 (2)(a) for full text);

(b) Logical service boundaries (see RCW 28A.315.015 (2)(b) for full text);

(c) Enhancing the educational opportunities of pupils (see RCW 28A.315.015 (2)(c) for full text);

(d) Promoting a wiser use of public funds (see RCW 28A.315.015 (2)(d) for full text);

(e) Annual school performance reports (see RCW 28A.315.205 (4)(a) for full text);

(f) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(g) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205 (4)(c) for full text);

(h) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(i) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(j) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e)).

(3) Under RCW 28A.315.195(2) the following provisions shall apply:

(a) The boundaries of the school districts affected by a proposed change in school district organization shall be conterminous to one another; and

(b) The territory within a particular district proposed to be transferred shall be conterminous unto itself. The regional committee on school district organization shall have the authority to make exceptions to this subsection provision.

(4) Under RCW 28A.315.205 (4)(a), every element of the annual school performance report shall be considered and no one element shall be given undue weight in comparison to any other element.

(5) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

## NEW SECTION

**WAC 180-24-009 Constitutional and statutory framework.** See RCW 28A.315.005.

### Part B

#### Regional Committees on School District Organization

## NEW SECTION

**WAC 180-24-105 Election of regional committee members—Applicable provisions.** In addition to the provisions of RCW 28A.315.105 through 28A.315.145, the provisions of WAC 180-24-105 through 180-24-190 shall apply to the election of regional committee members.

**AMENDATORY SECTION** (Amending Order 1-87, filed 2/4/87)

**WAC 180-24-110 ((~~Organizational impact statement—Format.~~ The organizational impact statement required by WAC 180-24-101 shall address for each of the considerations enumerated in WAC 180-24-016 and 180-24-017 the following questions:**

(1) ~~Is there sufficient evidence to determine with reasonable certainty, the positive and negative effects of the proposal organization as related to the stated consideration?~~

(2) ~~If yes, what are those positive and/or negative effects?~~

(3) ~~What significance do the positive and/or negative effects have on the determination of whether the proposed organization makes a satisfactory improvement in the school district system?)~~

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-115 ((~~Report of regional committee to state board of education.~~ Upon conclusion of the regional committee's favorable consideration for a change in the organization and extent of school districts, the regional committee shall transmit to the state board of education a report which contains all information required by RCW 28A.315.110 and the following additional information:**

(1) ~~The factual basis as to why the regional committee concluded that the proposed change in organization made a satisfactory improvement in the school district system;~~

(2) ~~The factual basis as to why the regional committee concluded that the proposed adjustment in the assets and liabilities of the school districts affected would be equitable;~~

(3) ~~A list of the public hearings held to consider the aforementioned proposals;~~

(4) ~~A copy of the organizational impact statement required by WAC 180-24-101.))~~

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-120 ((~~Superintendent of public instruction review of regional committee proposals.~~ Reports of regional committees, pursuant to WAC 180-24-115, shall be reviewed by the superintendent of public instruction for compliance with the provisions of this chapter. The superintendent of public instruction shall present to the state board of education the results of such review as well as recommended action to be taken by the state board of education in response to the regional committee's report. The superintendent of public instruction's recommendations shall be made prior to final action by the state board of education pursuant to RCW 28A.315.140.))**

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-125 ((~~State board of education standards for determining whether a regional committee report for organization is satisfactory.~~ The considerations to be utilized by the state board of education in determining whether or not to approve the recommendation of a regional committee pursuant to RCW 28A.315.140 shall include but not be limited to the following:**

(1) ~~Compliance by the regional committee with the applicable provisions of chapter 28A.315 RCW and the implementing regulations of the state board of education;~~

(2) ~~Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed change in the organization made a satisfactory improvement in the school system;~~

PROPOSED

~~(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed change in organization made a satisfactory improvement in the school district system.)~~

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

~~WAC 180-24-130 ((State board of education standards for determining whether a regional committee report for adjustment of assets and liabilities is equitable. The considerations to be utilized by the state board of education in determining whether a regional committee report for adjustment of assets pursuant to RCW 28A.315.140 and liabilities is equitable include but are not necessarily limited to the following:~~

~~(1) Compliance by the regional committee with the applicable provisions of chapter 28A.315 RCW, particularly the equity considerations stated in RCW 28A.315.110(2), and the implementing regulations of the state board of education;~~

~~(2) Sufficiency of the factual basis reported by the regional committee for its conclusion that the proposed plan for adjustment of assets and liabilities is equitable;~~

~~(3) Validity of the conclusion by the regional committee that the factual basis supported a conclusion that the proposed plan for the adjustment of assets and liabilities is equitable.)~~

NEW SECTION

**WAC 180-24-135 Election of regional committee members—Declaration and affidavit of candidacy form.** The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I, . . . . ., solemnly swear (or affirm): That I reside within the boundary of Educational Service District No. . . . ., within the boundary of regional committee member district No. . . . ., and am a registered voter of the same regional committee member district; That I am aware that, if elected, I cannot concurrently serve as the superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, an officer appointed by any such governing board, an employee of a school district, an employee of an educational service district, an employee of the office of the superintendent of public instruction, an employee of a private school, or an employee of a private school district; and That I hereby declare myself a candidate for membership on Educational Service District No. . . . . Regional Committee on school district organization for a term of four years beginning the second Monday in January, 19. . . , subject to the election to be held pursuant

to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the state of Washington.

(Signed) . . . . .

Address: . . . . .

SUBSCRIBED and sworn (or affirmed) to before me this . . . . . day of . . . . ., 19. . .

NOTARY PUBLIC in and for the state of Washington, residing at . . . . .

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-140 ((Disapproval action by state board of education.** If the state board of education, pursuant to RCW 28A.315.140, judges that the regional committee's proposal for a change in the organization and extent of districts is unsatisfactory or that its proposal for adjustment of assets and liabilities is inequitable, the state board of education shall state the reasons for its action and return the proposal to the regional committee pursuant to RCW 28A.315.140. In the event the proposal is rejected a second time by the state board of education following its resubmission, the rejection shall be final unless otherwise qualified by the board.))

NEW SECTION

**WAC 180-24-145 Election of regional committee members—Withdrawal of candidacy.** (1) Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the educational service district superintendent on or before 5:00 p.m. October twentieth. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

(2) A regional committee member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-24-130.

(3) Board-member district positions which become vacant after the call of election specified in WAC 180-24-125 shall be filled by appointment by the regional committee pursuant to RCW 28A.315.135 and the appointee shall serve until his or her successor has been elected at the next election called by the educational service district superintendent.

NEW SECTION

**WAC 180-24-150 Election of regional committee members—Ballots—Contents.** Ballots shall be prepared by the educational service district superintendent. The ballot for the position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the position.

PROPOSED

There shall be a separate listing of the candidates for each regional committee member district open in the particular educational service district. The educational service district superintendent shall develop voting instructions which shall accompany the ballots.

#### NEW SECTION

**WAC 180-24-155 Election of regional committee members—Ballots and envelopes—Mailing to voters.** (1) On or before November first ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope (i.e., official ballot envelope) shall:

- (a) Be labeled "official ballot";
- (b) Be preaddressed with the educational service district superintendent as addressee;
- (c) Have provision for prepaid postage; and
- (d) Have provision for the identification of the voter, mailing address, his or her school district, and educational service district.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and two envelopes to be used for voting purposes and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors as certified by the educational service district superintendent pursuant to WAC 180-24-145.

#### NEW SECTION

**WAC 180-24-160 Election of regional committee members—Voting—Marking and return of ballots.** (1) The election shall be conducted in strict accordance with the requirements of RCW 28A.315.125.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each regional committee district named on his or her ballot by placing an "X," or other mark, in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

- (a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;
- (b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;
- (c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district, and educational service district;
- (d) Placing the official ballot envelope in the United States mail to the superintendent of the educational service district.

#### NEW SECTION

**WAC 180-24-165 Election of regional committee members—Election board—Appointment and composition.** In each election the educational service district board

shall appoint a three member election board and at least one alternate who shall serve in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the educational service district superintendent or his or her designee and the election board.

#### NEW SECTION

**WAC 180-24-170 Election of regional committee members—Receipt of ballots and count of votes.** (1) As official ballot envelopes are received by the educational service district superintendent, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters that the voter has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes after November twenty-first and not later than November twenty-fifth or the next business day if the twenty-fifth falls on a Saturday, Sunday, or legal holiday at a date, time and place designated by the educational service district superintendent. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(4) Each vote cast shall count as one full vote, and a candidate shall be elected by a majority of the total votes cast for all candidates for the particular position.

#### NEW SECTION

**WAC 180-24-175 Election of regional committee members—Ineligible votes.** The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for more than one candidate in a regional committee member district;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter's name is not designated;
- (6) Ballots received after 5:00 p.m. November sixteenth: Provided, That any ballot that is postmarked on or before midnight November sixteenth and received prior to the initial counting of votes by the election board shall be accepted: Provided further, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on November twenty-first that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

NEW SECTION

**WAC 180-24-180 Election of regional committee members—Recount of votes cast—Automatic or by request.** (1) Automatic. A recount of votes cast shall be automatic if the difference between any two viable candidates for the same position is one vote or less than one percent of votes cast for the position, whichever is greater. For the purpose of this section, the term viable candidate shall mean any candidate whose election outcome could be changed if the difference noted above were added to his or her total votes.

(2) Upon request. A recount of votes cast shall be afforded any candidate as a matter of right: Provided, That the request shall be made in writing and received by the educational service district superintendent within seven calendar days after the date upon which the votes were counted by the election board.

NEW SECTION

**WAC 180-24-185 Election of regional committee members—Certification of election.** Within ten calendar days after the date upon which the votes were counted, the educational service district superintendent shall officially certify to the superintendent of public instruction the name or names of the candidate(s) elected to membership on the regional committee.

NEW SECTION

**WAC 180-24-190 Election of regional committee members—Run off elections.** (1) If no candidate receives a majority of the votes cast, then, not later than the first day of December, the educational service district superintendent shall call a second election to be conducted in the same manner as the first election and at which the candidates shall be the two candidates receiving the highest and next highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of December, or if not postmarked or the postmark is not legible, if received by mail after 5:00 p.m. of the twenty-first day of December. Votes cast at the second election shall be counted in accordance with WAC 180-24-165 through 180-24-180 prior to the second Monday of January next following. The candidate receiving a majority of the votes cast at any such second election shall be declared elected.

(2) In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the educational service district superintendent.

NEW SECTION

**WAC 180-24-195 Notification to superintendent of public instruction of regional committee meetings.** The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the superintendent of public instruction of all meetings of the regional com-

mittee called pursuant to RCW 28A.315.100 and all proposals pursuant to RCW 28A.315.110.

NEW SECTION

**WAC 180-24-197 Regional committee responsibility—Assistance of superintendent of public instruction.** The superintendent of public instruction shall assist the regional committees by providing technical assistance, training, and other support the state superintendent deems necessary or as may be requested by the regional committee.

**Part C****Transfer of Territory**

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-205** (~~Classification system of school districts.~~) **Transfer of territory—Procedures and timelines.** ((1) ~~Authority.~~ The authority for this section is RCW 28A.305.150 which authorizes the state board of education to establish the classification system for school districts.

(2) ~~Purpose.~~ The purpose of this section is to set forth the definitions for the classification of a school district as either a high school or a nonhigh school district.

(3) ~~High school district.~~ A high school district is one which conducts a ninth through twelfth grade program for district residents eligible to enroll therein which:

(a) Has been approved by the state board of education as may be required by RCW 28A.305.130(7); and

(b) Meets the basic education program requirements set forth in chapter 180-16 WAC.

(4) ~~Nonhigh school district.~~ A nonhigh school district is one that is not classified as a high school district under subsection (3) of this section.

(5) ~~Applicability.~~ The classifications of school districts established in subsections (3) and (4) of this section shall apply for the purposes of chapter 28A.545 RCW, RCW 84.52.0531, and the application of other laws under which a district's classification as either a high school or nonhigh school district is material.) The procedures and timelines governing proposed transfers of territory shall be governed by the provisions of RCW 28A.315.195 through 28A.315.215.

NEW SECTION

**WAC 180-24-210 Adjustment of assets and liabilities—Considerations.** In determining an equitable adjustment of assets and liabilities, the negotiating school districts, the regional committees, and the state board of education shall consider the factors under RCW 28A.315.245.

NEW SECTION

**WAC 180-24-215 Superintendent of public instruction staff review of regional committee proposals—When.** Pursuant to RCW 28A.315.205(5), when a decision of a



regional committee to approve a proposed transfer of territory is appealed to the state board of education, staff of the office of superintendent of public instruction, prior to the appeal hearing, shall be responsible for:

(1) Collecting from the applicable educational service district superintendent the written record of the approved transfer proposal and providing a copy of the written record to the state board of education;

(2) Reviewing the written record and, at the superintendent's discretion, providing to the state board the staff's judgment as to whether or not the regional committee followed the applicable statutory and regulatory procedures and acted in an arbitrary and capricious manner.

#### NEW SECTION

**WAC 180-24-220 Action by state board of education—When.** Pursuant to RCW 28A.315.205(5), the state board of education shall act on a proposed transfer of territory only when there is an appeal to the board of a decision of a regional committee to approve a proposed transfer of territory.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-24-305 Election of regional committee members—Election officer.** In accordance with RCW ((28A.315.060)) 28A.315.125, the educational service district superintendent shall serve as the election officer for the coordination and conduct of the election of members of the respective regional committees of the educational service districts.

AMENDATORY SECTION (Amending WSR 94-13-018, filed 6/3/94, effective 7/4/94)

**WAC 180-24-310 Election of regional committee members—Dissolution—Position numbers—Initial elections—Regular elections—Terms of office.** (1) Elections for members of regional committees shall be conducted within the time periods noted in WAC ((180-24-312 through 180-24-380)) 180-24-120 through 180-24-190. ((The term of office of each regional committee member and position shall expire as of the second Monday of January 1995. Each regional committee member position shall therefore be open for election purposes in 1994.))

(2) Regional committee member position numbers shall be assigned by the educational service district superintendent for purposes of all elections held pursuant to RCW ((28A.315.060)) 28A.315.125. For ((the initial election conducted pursuant to RCW 28A.315.030 and)) the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one, three, five, seven, and nine shall be for a term of two years, positions two, four, six, and eight shall be for a term of four years. ((Following the initial election,))

(3) Regular elections of regional committee members shall be conducted in ((subsequent)) even-numbered years for four-year terms and until their successors are certified as elected: Provided, That whenever a change in the number of educational service districts or board members occurs, a new regional committee shall be elected for each affected educational service district at the next regular election.

(4) Those regional committee members serving within an educational service district affected by the change shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new regional committee has been elected and certified at the next regular election.

AMENDATORY SECTION (Amending WSR 94-13-018, filed 6/3/94, effective 7/4/94)

**WAC 180-24-312 Election of regional committee members—Tentative certification of electors.** (1) On September twenty-first of each even-numbered year, or if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all persons eligible to vote, per RCW ((28A.315.060)) 28A.315.125, if the election were held on that date.

(2) The list of eligible voters as authorized by RCW 28A.315.125(x) shall remain open for changes until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The educational service district superintendent as soon thereafter as is practical shall certify the list of electors.

AMENDATORY SECTION (Amending WSR 94-13-018, filed 6/3/94, effective 7/4/94)

**WAC 180-24-320 Election of regional committee members—Candidates—Eligibility—Filing.** (1) Eligibility. A person is eligible to be a candidate for membership on the regional committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility((, due to other service,)) is restricted pursuant to RCW ((28A.315.050)) 28A.315.115.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC ((180-24-325)) 180-24-135; and

(b) The biographical data form provided for in WAC ((180-24-327)) 180-24-140: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth of each even-numbered year. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: Provided, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth

shall be accepted: Provided further, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

**NEW SECTION**

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
180-24-305	180-24-110
180-24-310	180-24-115
180-24-312	180-24-120
180-24-315	180-24-125
180-24-320	180-24-130
180-24-327	180-24-140

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 180-24-008	Constitutional and statutory framework.
WAC 180-24-013	State policy—The preferred four-part test.
WAC 180-24-016	Factors pertaining to geographic accessibility.
WAC 180-24-017	Factors pertaining to operational efficiency.
WAC 180-24-021	Statutory framework for implementation of modification in school district organization.
WAC 180-24-080	Notification to superintendent of public instruction of regional committee meetings.
WAC 180-24-101	Organizational impact statement—Requirement.
WAC 180-24-102	Regional committee responsibility—Assistance of superintendent of public instruction.
WAC 180-24-112	Adjustment of assets and liabilities considerations.
WAC 180-24-200	Numbering system of school districts.
WAC 180-24-300	Election of regional committee members—Applicable provisions.

WAC 180-24-325	Election of regional committee members—Declaration and affidavit of candidacy form.
WAC 180-24-330	Election of regional committee members—Withdrawal of candidacy.
WAC 180-24-340	Election of regional committee members—Ballots—Contents.
WAC 180-24-345	Election of regional committee members—Ballots and envelopes—Mailing to voters.
WAC 180-24-350	Election of regional committee members—Voting—Marking and return of ballots.
WAC 180-24-355	Election of regional committee members—Election board—Appointment and composition.
WAC 180-24-360	Election of regional committee members—Receipt of ballots and count of votes.
WAC 180-24-365	Election of regional committee members—Ineligible votes.
WAC 180-24-370	Election of regional committee members—Recount of votes cast—Automatic—By request.
WAC 180-24-375	Election of regional committee members—Certification of election.
WAC 180-24-380	Election of regional committee members—Run off elections.

**WSR 99-19-152  
PROPOSED RULES  
STATE BOARD OF EDUCATION**

[Filed September 22, 1999, 9:10 a.m.]

Continuance of WSR 99-14-088.  
Preproposal statement of inquiry was filed as WSR 99-06-078.

Title of Rule: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

PROPOSED

Statutory Authority for Adoption: RCW 28A.525.020.  
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

Proposal Changes the Following Existing Rules: Additional requirements—2; new sections—2.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Sunnyside School District, Sunnyside, Washington, on October 29, 1999, at 8 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 19, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 19, 1999.

Date of Intended Adoption: October 29, 1999.

September 21, 1999

Larry Davis

Executive Director

**WSR 99-19-153**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed September 22, 1999, 9:12 a.m.]

Continuance of WSR 99-14-089.

Preproposal statement of inquiry was filed as WSR 99-06-080.

Title of Rule: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selection.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

Statutory Authority for Adoption: RCW 28A.525.020.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

Proposal Changes the Following Existing Rules: Additional replacements—2; adds positions to existing rule that provide matching funds for constructability reviews, building commissioning, and construction management.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Sunnyside School District, Sunnyside, Washington, on October 29, 1999, at 8 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 19, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 19, 1999.

Date of Intended Adoption: October 29, 1999.

September 21, 1999

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 98-19-140, filed 9/23/98, effective 10/24/98)

**WAC 180-26-040 District authority to proceed.** Upon completion of the educational specifications (~~(review and comment)~~) and the site review by the superintendent of public instruction as provided for in WAC 180-26-020, the school district is authorized to proceed as follows:

(1) Commence with the design of the school facility in accordance with the district's educational specifications.

(2) Complete the energy conservation report pursuant to WAC 180-27-075.

(3) Complete a value engineering study and constructability review pursuant to WAC 180-27-080.

(4) Contract for building commissioning pursuant to WAC 180-27-080.

(5) Contract for construction management pursuant to WAC 180-27-102.

**WSR 99-19-154**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed September 22, 1999, 9:14 a.m.]

Continuance of WSR 99-14-090.

Preproposal statement of inquiry was filed as WSR 99-06-079.

Title of Rule: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Purpose: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

Statutory Authority for Adoption: RCW 28A.525.020.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

PROPOSED

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, or implement new rules resulting from EHB 1831.

Proposal Changes the Following Existing Rules: Technical correction—5; clarification—1; additional requirements—2; new sections—1.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Kettle Falls School District, Kettle Falls, Washington, on October 29, 1999, at 8 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by October 19, 1999, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 19, 1999.

Date of Intended Adoption: October 19, 1999.

September 21, 1999

Larry Davis

Executive Director

**WSR 99-19-156  
PROPOSED RULES  
BENTON CLEAN  
AIR AUTHORITY**

[Filed September 22, 1999, 10:01 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141.

Title of Rule: Regulation 1.

Purpose: Establish fee schedule for Notice of Construction and Asbestos programs; revise fee schedule for Source Registration program; removal of ten acre exemption to bring in compliance with state law; name change correction throughout regulation.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Full cost recovery for program expenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David A. Lauer, 650 George Washington Way, Richland, WA, (509) 943-3396.

Name of Proponent: Benton Clean Air Authority, 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: Currently, there are no fee schedules for the Notice of Construction or Asbestos programs, except for a filing fee. The Source Registration program is not recovering cost of implementation. The BCAA board voted to unanimously change the agency name in March 1998.

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: Benton Public Utility District, 2721 West 10th Avenue, Kennewick, WA 99336, on November 11, 1999, at 6:00 p.m.

Submit Written Comments to: David A. Lauer, fax (509) 943-2232, by November 12, 1999.

Date of Intended Adoption: November 18, 1999.

September 21, 1999

David A. Lauer

Control Officer

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 99-19-157**

**PROPOSED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 22, 1999, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-086.

Title of Rule: Suitable work and availability for work requirements for unemployment insurance claimants with disabilities.

Purpose: The proposed rules will clarify the department's policies regarding eligibility for unemployment benefits of disabled claimants who are unable to work full time or who leave work due to a disabling condition.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

Statute Being Implemented: RCW 50.20.100.

Summary: The proposed rules define the circumstances under which less than full-time work is suitable for claimants with disabilities. They clarify that claimants who leave work because of disabling condition will not be found unavailable for work if they notified the employer about the disability and the employer fails to inform them of alternative suitable work. The rules also provide that pregnancy-related disabilities will be treated the same as other disabilities.

Reasons Supporting Proposal: These rules are proposed as a settlement agreement in the case of Gachen and Booser, representatives of a class, vs. ESD.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed WAC 192-170-050 clarifies that the department will consider risks to the claimant and any unborn child when determining whether work is suitable. In addition, the rule outlines the circumstances under which the department may determine that less than full-time work is suitable for claimants with disabilities. Proposed WAC 192-170-060 provides that a claimant who leaves work because of a disability will not be found unavailable for work under certain circumstances.

The purpose of both rules is to clarify the department's policies regarding benefits for claimants with disabilities, and to ensure that these policies are in compliance with state and federal disability law. We anticipate the effect of these rules will be greater consistency in decision-making within the department.

Proposal Changes the Following Existing Rules: WAC 192-16-021 is repealed.

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

**Small Business Economic Impact Statement**

Proposed WAC 192-170-050 Suitable work factors—RCW 50.20.100 and 192-170-060 Availability for work—Disability.

Analysis: WAC 192-170-050 would permit the department to determine that less than full-time work is suitable for disabled claimants under certain specific circumstances. This is consistent with the requirements under the Americans with Disabilities Act that employers and their agents provide reasonable accommodation to disabled workers.

A claimant who leaves work due to a disability or illness is considered to have left work voluntarily. The department may determine that the separation was with good cause if the requirements of RCW 50.20.050 (2)(b) are met.

WAC 192-170-060 provides that a claimant who leaves work due to a disability will not be found unavailable for work if certain conditions are met. These include notifying the employer of the disability and resulting work restrictions. The employer then may determine if there are other jobs for which the claimant might be qualified. This fulfills the requirement that the claimant take all reasonable precautions to preserve employment.

RCW 50.29.020(2) and WAC 192-12-405 authorize employers to request relief from benefit charges resulting from the payment of benefits to individuals. Benefit charge relief may be granted when an individual leaves work for personal reasons, including illness or disability of the employee. The department does not enforce state or federal discrimination law. The determination that an employer is eligible for benefit charge relief does not depend on a finding that the employer complied with requirements to reasonably accommodate a disabled worker. An employer will be eligible for relief of benefit charges when a claimant is separated from work due to disability or illness.

The exception is for some cases in which an individual leaves work due to a pregnancy-related disability. State reg-

ulation (WAC 162-30-020) requires many employers to provide a woman with a leave of absence for the period of time she is sick or temporarily disabled because of pregnancy or childbirth, and to allow her to return to the same or similar job at the conclusion of the disability period. In such case, there is no job separation and the employer would not be eligible for relief of benefit charges.

We estimate that the cost of the proposed regulations will be minimal because:

- WAC 162-30-020 does not apply to employers with fewer than eight employees (see RCW 49.60-040(3));
- When a job separation occurs because of an employee's disability or illness, the employer may request relief of benefit charges;
- The proposed rule, WAC 192-170-060, applies only when a worker has notified the employer of the disabling condition and the employer does not offer alternative suitable work;
- To be eligible for unemployment benefits, the individual must meet all other eligibility criteria in Title 50 RCW, including:
  - The requirement to be able to work, available for work, and actively seeking suitable work as required by RCW 50.20.010(3);
  - Meeting the weekly job search requirements contained in RCW 50.20.240 and WAC 192-180-010.
- Costs would only be incurred for:
  - Employers of 8 or more workers who are unable to offer alternative work to a pregnant woman, and the woman is on a leave of absence from work; OR
  - Employers of fewer than 8 workers who voluntarily (including labor-management agreements) provide the woman with a leave of absence.

Cost: We estimate the number of cases in which these criteria are met at fifty per year. The larger the employer, the easier it is to find alternative work for an individual employee. Thus, we have broken down the fifty cases as follows:

30 - Small employers (less than \$50,000 in taxable wages per year)

10 - Mid-size employers (\$50,000 to \$250,000 per year)

10 - Large employers (\$250,000+ per year)

We estimate the employer's tax rate will increase an average of six rate classes in these circumstances, with a net cost of:

- Small employers:  $50,000 \times 1.1\% = \$550$  per employee  
 $\$550 \times 30$  employees = \$16,500 total per year
- Mid-size employers:  $250,000 \times 0.8\% = \$2000$  per employee  
 $\$2000 \times 10$  employees = \$20,000 total per year
- Large employers:  $250,000 \times 0.8\% = \$2000$  per employee

PROPOSED

\$2000 x 10 employees = \$20,000  
total per year

A copy of the statement may be obtained by writing to Juanita Myers, UI Policy, Employment Security Department, P.O. Box 9046, Olympia, WA 98506, phone (360) 902-9665, fax (360) 902-9799.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed regulations constitute "significant legislative" rules because (a) they establish or alter the qualifications or standards for determining an individual's eligibility for unemployment benefits, and (b) they make significant amendments to a policy or regulatory program.

Hearing Location: Employment Security Department, Public Affairs Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, on November 2, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen LaFreniere by October 29, 1999, TDD (360) 902-9589, or (360) 902-9582.

Submit Written Comments to: Barney Hilliard, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98504-9046, fax (360) 438-3226, by October 29, 1999.

Date of Intended Adoption: November 5, 1999.

September 21, 1999

Dale Ziegler

Assistant Commissioner

**CHAPTER 192-170  
AVAILABILITY TO ACCEPT WORK**

**NEW SECTION**

**WAC 192-170-050 Suitable work factors—RCW 50.20.100. (1) Physical fitness.**

(a) In addition to the considerations listed in RCW 50.20.100 and RCW 50.20.110, the department will consider whether you have a disability which prevents you from performing the normal or expected duties of the job without a substantial risk to your health or safety.

(b) The department may determine in individual circumstances that less than full-time work is suitable if:

- (i) You have a disability that substantially limits a major life activity;
- (ii) The disability prevents you from working the number of hours that are customary to the occupation;
- (iii) You are actively seeking work for the occupation(s) and hours you have the ability to perform; and
- (iv) The restriction on the number of hours you can work does not substantially limit your employment prospects within your general area.

(c) Disabilities resulting from pregnancy will be treated the same as other medical disabilities, except that the department will also consider the risk to your pregnancy when deciding whether work is suitable.

(d) The department will require medical verification of your disability and the risk to your health and safety of performing certain tasks or engaging in certain occupations, including any restrictions placed on your availability for full-time work.

(2) **Definition of general area.** "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation.

**NEW SECTION**

**WAC 192-170-060 Availability for work—Disability.**

(1) Generally a claimant is expected to make reasonable attempts to preserve employment before leaving work, including requesting other work from the employer. However, in the case of a disabled claimant, the employer is in the best position to know what work is available that the claimant has the ability to perform. Once the employer is aware of the claimant's disability, the employer has an affirmative duty to inform the claimant of job opportunities for which the claimant might be qualified. See *Dean v. Metropolitan Seattle*, 104 Wn.2d 627, 637-38, 708 P.2d 393 (1985). An employer who fails to do so may not later claim that suitable work was available had the claimant requested it. In this instance, the burden is on the employer to offer other work, not on the claimant to seek it.

(2) If you (the claimant) leave work because of a disability, you will not be found unavailable for work for doing so if:

- (a) You notified your employer that you have a disability as defined in WAC 192-170-050 (1)(b), and
- (b) Your disability and resulting work restrictions are supported by medical verification, the terms of a collective bargaining agreement, or individual employment contract, and
- (c) Your employer did not provide you with alternative suitable work. This means modifying your regular job to eliminate duties which pose a risk to your health or safety or to your pregnancy, or informing you about other suitable work within the company or business.

(3) If you are on a voluntary leave of absence from your employer because of a pregnancy-related disability, you will not be found unavailable for work if the conditions of subsection (2) above have been met.

(4) If you leave work because of a disability, the department will provide you with a directive listing the job search requirements you must meet in order to maintain your eligibility for benefits. Such job search requirements will not be more stringent than those imposed upon claimants who are not disabled.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 192-16-021	Interpretative regulations— Suitable work factors—RCW 50.20.100
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PROPOSED

**WSR 99-19-158**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 22, 1999, 10:30 a.m.]

## Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-450-0245 When are my benefits suspended? and WAC 388-450-0250 Income of a new assistance unit member.

Purpose: With implementation of prospective income budgeting, effective with January 2000 benefits, references to retrospective budgeting must be deleted. In addition, WAC 388-450-0245 has been revised to conform to Executive Order 97-02 writing standards. WAC 388-450-0250 is being repealed.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: WAC 388-450-0245 Suspension of benefits, rather than case termination is allowed when income is above standards for only one month. WAC 388-450-0250 is repealed.

Reasons Supporting Proposal: Executive Order 97-02 requires revision of WACs to conform to new writing standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Assistance Program, P.O. Box 45470, Olympia, WA 98504-5470, 413-3073.

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: WAC 388-450-0245 outlines the conditions for a one-month suspension of benefits so that a case is not terminated. References to retrospective budgeting are eliminated since income will be prospectively budgeted for all income assistance cases (effective with January 2000 benefits).

Proposal Changes the Following Existing Rules: WAC 388-450-0245, references to retrospective income budgeting are eliminated; and WAC 388-450-0250, repealed to meet Executive Order 97-02 requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects cash/medical assistance recipients only.

RCW 34.05.328 does not apply to this rule adoption. This does not meet the definition of a significant rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 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 26, 1999.

Date of Intended Adoption: No sooner than October 27, 1999.

September 17, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0245** (~~(Suspending)~~) **When are my benefits(+) suspended?** (~~(This section applies to)~~) **(1) In the TANF/SFA, RCA, GA and food assistance programs(-**

~~(1) An assistance unit's benefits are suspended when the assistance unit's countable net income makes the assistance unit ineligible for one payment month.~~

~~(2) An assistance unit's benefits will be suspended rather than terminated when:~~

~~(a) There is reason to believe the assistance unit would be ineligible for benefits for only one payment month; and~~

~~(b) The cause was due to income or other circumstances in the corresponding budget month), the word "suspend" means that the department stops your benefits for one month.~~

**(2) We suspend your benefits for one month when your expected countable income as defined in WAC 388-450-0162:**

**(a) Exceeds the dollar limits for your household size; and**

**(b) Exceeds those limits for only that one month.**

**(3) We end your benefits when your expected countable income exceeds the limits for your household size for two or more consecutive months.**

**(4) If your expected income drops below the limits for your household size, you may be eligible if you reapply for benefits.**

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-450-0250

Income of a new assistance unit member.

**WSR 99-19-159**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 22, 1999, 10:33 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-056.

Title of Rule: WAC 388-418-0005 Reporting requirements, 388-418-0010 Requesting information or action needed, 388-418-0015 Recipient fails to provide requested information or take requested action, 388-418-0020 Effective

PROPOSED

dates for changes, 388-418-0030 Notifying a recipient of intent to reduce, suspend, or terminate assistance, 388-458-0001 How does the department request information when a client applies for assistance or reports a change, and 388-458-0010 Adequate notice of adverse action for recipients.

Purpose: Amend WAC 388-418-0005, 388-418-0020, and 388-458-0010 to reflect as a result of the department changing to prospective budgeting as the sole method of budgeting income and deductions. Changes in reporting requirements are to reflect a waiver of federal requirements that is expected to be approved by the United States Department of Agriculture, Food and Nutrition Services. Repeal WAC 388-418-0010, 388-418-0015, and 388-418-0030. The rules are being revised to reflect prospective budgeting and are being moved to WAC 388-458-0001 and 388-458-0010. Create WAC 388-458-0001 to incorporate some of the rules of the repealed WAC and to reflect the change to prospective budgeting.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: RCW 74.08.090 gives the department authority to make rules and regulations to ensure uniform administration of programs throughout the state. RCW 74.04.510 requires the department to adopt rule consistent with federal laws, rules and regulations relating to the food stamp program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Thomas, Division of Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3240.

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: Changes rules to reflect department's choice of prospective budgeting as the sole method for budgeting income and deductions.

Proposal changes the following existing rules: WAC 388-418-0005 Reporting requirements, 388-418-0010 Requesting information or action needed, 388-418-0015 Recipient fails to provide requested information or take requested action, 388-418-0020 Effective dates for changes, 388-418-0030 Notifying a recipient of intent to reduce, suspend, or terminate assistance, 388-458-0001 How does the department request information when a client applies for assistance or reports a change, and 388-458-0010 Adequate notice of adverse action for recipients.

Proposal Changes the Following Existing Rules: Amend WAC 388-418-0005, 388-418-0020, and 388-418-0010 to reflect as a result of the department changing to prospective budgeting as the sole method of budgeting income and deductions. Changes in reporting requirements are to reflect a waiver of federal requirements that is expected to be approved by the United States Department of Agriculture, Food and Nutrition Services. Repeal WAC 388-418-0010, 388-418-0015, and 388-418-0030. The rules are being

revised to reflect prospective budgeting and are being moved to WAC 388-458-0001 and 388-458-0010. Creates WAC 388-458-0001 to incorporate some of the rules of the repealed WAC and to reflect the change to prospective budgeting.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of 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 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 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 26, 1999.

Date of Intended Adoption: No earlier than October 27, 1999.

September 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

~~WAC 388-418-0005 ((Reporting requirements))~~ Clients must report certain changes to the department within specified time limits. (1) ~~((For))~~ Clients who receive cash ((and)) or food assistance((:

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

~~(b) Clients who report changes on a monthly report as specified under chapter 388-456 WAC are not required to report within the ten day period.~~

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

~~(3) Food assistance clients are required to report the following:~~

~~(a) A change in the amount of gross monthly income of more than twenty five dollars except for changes in public assistance income;~~

~~(b) A change in the source of income;~~

~~(c) A change in household size such as addition or loss of a household member;~~

~~(d) A change in residence and the resulting change in shelter cost;~~

~~(e) Obtaining a licensed vehicle;~~

~~(f) The end of a temporary disability when the temporary disability is the reason for excluding a vehicle; and~~

~~(g) When a change in the assistance unit's countable liquid resources exceeds the applicable resource limit as described under WAC 388-470-0005.~~



~~(4) For TANF/SFA, a caretaker relative must report the absence of a child within five days of the date that it becomes reasonably clear that the absence will exceed ninety days. If the relative fails to report timely, the relative:~~

~~(a) Is not eligible for one month; and~~

~~(b) The relative's countable income will be considered available to the remaining members of the assistance unit)) must report the following changes about everyone in the assistance unit. The client must report these changes within ten days of when they learn about the change. Clients must report:~~

~~(a) The gross monthly amount of unearned income they receive when:~~

~~(i) They start receiving money from any new source.~~

~~(ii) The amount received from a previously reported source changes by more than twenty-five dollars.~~

~~(b) When someone, including a newborn child, moves in or out, even if the change is temporary.~~

~~(c) The marriage or divorce of any assistance unit member.~~

~~(d) A new residence, including any change in shelter expenses because of the move.~~

~~(e) Obtaining a vehicle.~~

~~(f) The end of a temporary disability when the temporary disability is the reason for excluding a vehicle.~~

~~(g) When the assistance unit's countable resources exceed the resource limits described in chapter 388-470 WAC.~~

~~(h) Any of the following changes related to employment:~~

~~(i) A new job or different employer.~~

~~(ii) A change in wage rate or pay scale.~~

~~(iii) An employment status change from part-time to full-time. The employer determines when an employee has full-time employment status.~~

~~(2) Clients who receive only children or pregnant women's medical assistance must report the following changes. The client must report these changes within twenty days of when they learn about the change. Clients must report:~~

~~(a) When someone, including a newborn child, moves in or out, even if the change is temporary.~~

~~(b) When a pregnancy begins or ends.~~

~~(c) A new residence.~~

~~(3) Clients who receive any other medical assistance must report the following changes. Clients must report these changes about themselves, their spouses or any dependents. The client must report these changes within twenty days of when they learn about the change. Clients must report:~~

~~(a) When someone, including a newborn child, moves in or out, even if the change is temporary.~~

~~(b) When an assistance unit member gets married, divorced or separated.~~

~~(c) When a pregnancy begins or ends.~~

~~(d) A new residence or address.~~

~~(e) Any change in the amount of income received from any new or previously reported source.~~

~~(f) Any change in the amount of expenses paid for shelter.~~

~~(g) Any change in the amount of expenses paid for medical care.~~

~~(h) Changes in resources.~~

(4) For TANF/SFA, a caretaker relative must report within five days when they learn that the temporary absence of a child will exceed ninety days. When the relative fails to report timely, the relative:

(a) Is not eligible for one month; and

(b) The relative's countable income is considered available to the remaining members of the assistance unit.

(5) When a change is reported late, the client may receive the wrong amount or the wrong type of assistance. When benefits are overpaid, the client must repay the assistance as described in chapter 388-410 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-418-0020 ((Effective dates for changes))

How the department determines the date a change affects the benefit amount. ((The following rules apply to recipients of all programs)) (1) Unless otherwise specified((-

(1) When a change causes a cash assistance recipient to become ineligible or results in a change in grant amount, the effective date of the change is the first day of the next month after the change occurred. However, for the following types of changes, the effective date is:

(a) The date a person who is added to the assistance unit enters the household or is determined eligible, whichever is later;

(b) The date of a change in shelter arrangement which makes the assistance unit eligible for a higher payment standard;

(c) The first regular monthly issuance when a person changes from one cash assistance program to another;

(d) The first regular monthly issuance after the advance notice period when a grant deduction is imposed to collect an overpayment;

(e) The date of termination when child support or spousal support is increased as specified in WAC 388-422-0030.

(f) In accordance with:

(i) Chapter 388-450 WAC when budgeting income;

(ii) Chapter 388-480 WAC when an assistance unit member is on strike;

(iii) WAC 388-462-0005(2) when pregnant woman receives GA-S and then relinquishes the child for adoption; and

(iv) As specified by the department for changes in law or regulation.

(g) For TANF/SFA, the date a sanctioned WorkFirst participant complies with the requirements of their individual responsibility plan as specified under chapter 388-310 WAC.

(2) Eligibility for medical care services ends at the same time a recipient's general assistance or ADATSA eligibility is terminated.

(3) When a change makes a recipient ineligible or reduces the benefit amount, assistance will continue without change through the advance notice period even when the advance notice is beyond the effective date.

(4) When cash and food assistance benefits are continued beyond the effective date of a reduction or termination of

such benefits, an overpayment will be established for the amount the recipient was not eligible to receive.

~~(5) For prospectively budgeted food assistance households:~~

~~(a) The effective date of the change for an increase in benefits is the next allotment after the change is:~~

~~(i) Reported when the change is verified within the ten day period; or~~

~~(ii) Verified when the assistance unit does not send the requested verification within the ten day period.~~

~~(b) The effective date of the change for a decrease in benefits is the first of the next month after the advance notice period expires:~~

~~(6) For retrospectively budgeted food assistance households, the effective date of a change reported in the budget month is the first of the payment month:~~

~~(7) Eligibility for the newborn medical program ends on the last day of the month the child is no longer living with the mother. Eligibility is redetermined for other medical programs prior to the termination of newborn medical), the rules in this chapter refer to cash, food and medical assistance benefits.~~

(2) When a change causes an increase in benefits, the client must provide proof of the change before we adjust the benefit amount.

(a) The change affects the next month after the change is reported if the client provides verification within ten days from the date we request verification.

(b) The change affects the next month after the verification is received if the client provides verification after ten days from the date we request verification.

(c) When the client is entitled to receive additional benefits, the department must send the additional amount within ten days of the day the client provides requested verification.

(3) When a change causes a decrease in benefits:

(a) If the client reports the change within the time limits in WAC 388-418-0005, the change affects the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send the client a notice about the change, and

(ii) Is determined according to the rules in WAC 388-458-0010.

(b) If the client fails to report the change within the time limits in WAC 388-418-0005:

(i) The change affects the first month following the day the advance notice period would end if the client reported the change on time, allowing:

(A) Ten days for the client to report the change, and

(B) Ten days for the advance notice period to begin.

(ii) We continue assistance unchanged through the advance notice period when the advance notice period ends later than the effective date.

(iii) We establish an overpayment claim according to the rules in chapter 388-410 WAC when benefits continue beyond the effective date.

(4) Within ten days of the day we learn about a change, the department:

(a) Sends advance notice according to the rules in chapter 388-458 WAC; and

(b) Takes necessary action to correct the benefit. Action on a change is delayed when:

(i) The client requests a hearing about a proposed decrease in benefits before the effective date or within the advance notice period; and

(ii) The client asks that their benefits continue unchanged until the hearing is resolved or decided.

(5) When the client requests a hearing and continued benefits:

(a) The department continues the same benefits received prior to the advance notice of reduction until the earliest of the following events occur:

(i) For food assistance only, the client's certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) The client states in writing that the assistance unit does not want continued benefits;

(iv) The client withdraws the fair hearing request in writing; or

(v) The client abandons the fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) The department establishes an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the department's action.

(6) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to the assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because the household becomes eligible for a higher payment standard, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month the income or allowable expense changes.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-418-0010	Requesting information or action needed.
WAC 388-418-0015	Recipient fails to provide requested information or take requested action.
WAC 388-418-0030	Notifying a recipient of intent to reduce, suspend or terminate assistance.

**NEW SECTION**

**WAC 388-458-0001 How the department requests information or action needed when a client applies for assistance or reports a change.** (1) When the department needs additional information in order to determine the client's eligibility and benefit amount, we send a written request. The client has ten days from the date we send the request to respond.

(2) We send these kinds of request when:

- (a) You must provide additional information, verification or participate in some activity to qualify for benefits.
- (b) Additional information is necessary to determine how a change affects your benefit amount.
- (c) Verification is required before we increase your benefit amount.
- (3) The request must state:
  - (a) What information or action is needed, and
  - (b) The date the information or action is due, and
  - (c) That we may reduce or deny benefits if the client fails to provide the information or take the action.
- (4) If the client fails to provide requested information or take an action within the ten days, we may deny, reduce or discontinue the client's benefits.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-458-0010 Adequate notice of adverse action to recipients.** ((An adequate written notice of a decision to terminate, suspend, reduce or restrict cash, medical or food assistance benefits includes a statement of:))

- (1) ((The action the department intends to take;
- (2) The reasons for the intended action;
- (3) The specific rule, regulation or law supporting the action;
- (4) The recipient's right to request a fair hearing, including the circumstances under which assistance may be continued if a hearing is requested;
- (5) Timely notice of a decision to terminate, suspend, or reduce assistance must be provided as required under WAC 388-418-0030; and
- (6) Notices to clients who qualify for necessary supplemental accommodation services will be provided as required under WAC 388-200-1300)) Before we change the benefits a client receives, we send a written notice that explains:
  - (a) When the benefit amount will change;
  - (b) If the change is an increase or decrease;
  - (c) The reasons for the intended action;
  - (d) The specific rule, regulation or law supporting the action;
  - (e) The recipient's right to request a fair hearing, including the circumstances under which assistance may be continued if a hearing is requested.
- (2) For cash, medical and food assistance, a notice must be sent ten days in advance of an action to reduce, suspend, restrict or discontinue assistance benefits. For certain situations the advance notice period can be less than ten days.
- (3) A shorter advance notice period is allowed when:

(a) The recipient asks the department to reduce or discontinue benefits.

(b) The department has documented information that the assistance unit has moved to another state or will move to another state before the next benefits are issued.

(c) The department has documented information that all members of the assistance unit have died.

(d) A change in law or regulation requires the department to change benefits for all clients in a certain group.

(4) When a shorter advance notice period is allowed, the notice must be mailed or given to the recipient:

(a) For cash and medical assistance, by the date of the action.

(b) For food assistance, by the date the benefits are received or should have been received.

(5) A separate adverse action notice is not required:

(a) For cash and food assistance, when:

(i) The client was notified when benefits were approved that the amount of benefits for each month varied; or

(ii) The client 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.

(6) For clients who qualify for necessary supplemental accommodation services, we provide notices as required under WAC 388-200-1300.

**WSR 99-19-160**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 22, 1999, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-056.

Title of Rule: WAC 388-450-0200 Medical cost income deductions for food assistance, 388-450-0215 Prospective budgeting, 388-434-0005 Eligibility reviews for cash and medical assistance, 388-450-0060 Lump sum payments, 388-450-0180 Effect of countable income on eligibility and benefit level for cash assistance, 388-450-0205 Budgeting income deductions for food assistance, 388-450-0220 Retrospective budgeting, 388-450-0235 discontinued income, 388-450-0240 Effect of net lump sum payments for cash assistance, 388-456-0001 Monthly reporting, and 388-470-0080 Compensatory award or related settlement lump sum payments.

Purpose: Amend WAC 388-450-0200, 388-450-0215, 388-434-0005 to reflect the change to a single method of budgeting income for all programs. Repeal WAC 388-450-0060, 388-450-0180, 388-450-0205, 388-450-0220, 388-450-0240, 388-470-0080. These rules will be revised to reflect prospective budgeting and be moved to WAC 388-450-0162, 388-455-0005, 388-455-0010, and 388-455-0015. Repeal WAC 388-450-0220 Retrospective budgeting, 388-450-0235 Dis-

continued income, and 388-456-0001 Monthly reporting. These sections are not relevant with the department using prospective budgeting as the sole method of budgeting income.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: RCW 74.08.090 gives the department authority to make rules and regulations to ensure uniform administration of programs throughout the state. RCW 74.04.510 requires the department to adopt rules consistent with federal laws, rules and regulations relating to the food stamp program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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: Changes rules to reflect department's choice of prospective budgeting as the sole method for budgeting income and deductions.

Proposal Changes the Following Existing Rules: WAC 388-450-0200 Medical cost income deductions for food assistance, 388-450-0215 Prospective budgeting, 388-434-0005 Eligibility reviews for cash and medical assistance, 388-450-0060 Lump sum payments, 388-450-0180 Effect of countable income on eligibility and benefit level for cash assistance, 388-450-0205 Budgeting income deductions for food assistance, 388-450-0220 Retrospective budgeting, 388-450-0235 discontinued income, 388-450-0240 Effect of net lump sum payments for cash assistance, 388-456-0001 Monthly reporting, and 388-470-0080 Compensatory award or related settlement lump sum payments.

Amends WAC 388-450-0200, 388-450-0215, and 388-434-0005 to reflect the change to a single method of budgeting income for all programs. Repeals WAC 388-450-0060, 388-450-0180, 388-450-0205, 388-450-0220, 388-450-0240, and 388-470-0080. These rules will be revised to reflect prospective budgeting and be moved to WAC 388-450-0162, 388-455-0005, 388-455-0010, and 388-455-0015. Repeals WAC 388-450-0220 Retrospective budgeting, 388-450-0235 Discontinued income, and 388-456-0001 Monthly reporting. These sections are not relevant with the department using prospective budgeting as the sole method of budgeting income.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of 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 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 26, 1999.

Date of Intended Adoption: No earlier than October 27, 1999.

September 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0200 Medical (~~cost~~) expenses may be used as an income deduction(~~s~~) for food assistance households containing an elderly or disabled household member. (1) (~~Excess medical and/or shelter deductions 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) ~~Becomes categorically eligible due to the receipt of SSI after noncash assistance food stamps were denied as provided under 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)~~

Food assistance households can use medical expenses in excess of thirty-five dollars monthly as an income deduction for members that are:

(a) Age sixty or older; or

(b) Disabled as defined in WAC 388-400-0040.

(2) The department allows deductions for expenses to cover services, supplies, or medication prescribed by a state licensed practitioner or other state certified, qualified, health professional, such as:

(a) Medical, psychiatric, naturopathic physician, dental, or chiropractic care;

(b) Prescription drugs;

(c) Over the counter drugs;

(d) Eye glasses;

(e) Medical supplies other than special diets;

(f) Medical equipment.

(g) Hospital and outpatient treatment including:

(i) Nursing care; or

(ii) Nursing home care including payments made for a person who was an assistance unit member at the time of placement.

(h) Health insurance premiums paid by the client including:

(i) Medicare premiums or cost sharing; and

(ii) Insurance deductibles and co-payments.

(i) Spenddown expenses as defined in WAC 388-519-0010. Spenddown expenses are allowed as a deduction as they are estimated to occur or as the expense become due:

(j) Dentures, hearing aids, and prosthetics;

(k) Cost of obtaining and caring for a seeing eye or hearing animal, including food and veterinarian bills. We do not allow the expense of guide dog food as a deduction if you receive Ongoing Additional Requirements under WAC 388-255-1050 to pay for this need;

(l) Reasonable costs of transportation and lodging to obtain medical treatment or services;

(m) Attendant care necessary due to age, infirmity, or illness. If your household provides most of the attendant's meals, we allow an additional deduction equal to a one-person allotment.

(3) There are two types of deductions:

(a) One-time expenses are expenses that cannot be estimated to occur on a regular basis. You can choose to have us:

(i) Allow the one-time expense as a deduction when it is billed or due; or

(ii) Average the expense through your certification period.

(b) Recurring expenses are expenses that happen on a regular basis. We estimate your monthly expenses for the certification period.

(4) We do not allow a medical deduction if:

(a) The expense has already been paid;

(b) The expense is repaid by someone else;

(c) The expense is paid or will be paid by another agency;

(d) The expense is covered by medical insurance;

(e) You claim the expense later than the first billing, even if:

(i) You did not claim the expense the first time it was billed;

(ii) The expense is included in the current billing; and

(iii) You paid the bill.

(f) We previously allowed the expense, and you did not pay it. We do not allow the expense again even if it is part of a repayment agreement;

(g) You included the expense in a repayment agreement after failing to meet a previous agreement for the same expense;

(h) You claim the expense after you have been denied for presumptive SSI; and you are not considered disabled by any other criteria; or

(i) The provider considers the expense overdue.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0215 ((~~Prospective budgeting~~)) ~~How the department estimates income to determine your eligibility and benefits.~~ ((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) ~~All members are homeless as defined in WAC 388-408-0050;~~

(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.~~

(6) ~~Cash assistance income is budgeted prospectively.)~~ The department uses prospective budgeting to determine eligibility and benefits.

(1) ~~The department determines the amount of benefits an assistance unit can receive each month based on an estimate of your income and circumstances for that month. This is known as prospective budgeting.~~

(2) ~~We base this estimate on what can be reasonably expected based on your current, past and future circumstances.~~

(3) We determine if our estimate is reasonable by looking at documents, statements, and other verification.

(4) There are two methods of estimating a client's income:

(a) Anticipating monthly income: We estimate the actual amount of income you expect to receive in the month; and

(b) Averaging income: We estimate your income based on adding the total income you expect to receive for a period of time and dividing by the number of months in the time period.

(5) We must use the anticipating monthly method in the following circumstances:

(a) If you are a destitute migrant or seasonal farmworker as defined in WAC 388-406-0020;

(b) If you are receiving SSI, Social Security, or SSI-related medical benefits;

(c) If you have income allocated to someone receiving SSI-related medical benefits under WAC 388-450-0150; or

(d) If you have already received income in the month that you apply for benefits.

(6) In all other circumstances, we allow clients to select the method of estimating their income.

(7) If you choose the anticipating monthly method, we estimate the actual amount of income you expect to receive in the month. Your benefits will vary based on the income that is expected for that month.

(8) If you choose the averaging method, the expected changes in your income are taken into consideration so your benefits do not change as much:

(a) Clients that receive their income weekly or every other week will have their income converted to a monthly amount. If you are paid:

(i) Weekly, we multiply your expected pay by 4.3; or

(ii) Every other week, we multiply your expected pay by 2.15.

(b) Clients that receive their income other than weekly or every other week will have their monthly income estimated by:

(i) Adding the total amount of income expected to be received for the period of time; and

(ii) Dividing by the number of months in the period of time.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-434-0005** The department reviews each client's eligibility ((~~reviews for cash and medical assistance~~)) for benefits on a regular basis. (1) ((Clients receiving cash assistance are required to have eligibility redetermined at least once every twelve months. The redetermination will be based on information provided on a form designated by the department. A family needs to complete only one form.

(2) A client's redetermination may be the scheduled review or initiated before the scheduled review when there are a number of eligibility changes to be reviewed. The redetermination includes:

(a) A review of each eligibility factor; and

(b) An evaluation of any change occurring since eligibility was established or last reviewed.

(3) For clients not receiving cash assistance, an eligibility redetermination date will be established in advance. For programs which require a fixed beginning and ending date, eligibility redetermination will be initiated prior to the end of coverage.

(4) Clients receiving assistance will be responsible for completing and responding to the eligibility redetermination request and attending an interview if required under WAC 388-452-0005.

(5) Clients who do not respond to a notice of redetermination will be considered to be withdrawing their request for continuing assistance. Termination of medical assistance will occur if there is insufficient information to redetermine medical program eligibility.

(6) Clients will receive a notice when the cash and food assistance is suspended, terminated, or a benefit error is discovered during the review as specified under chapter 388-458 WAC.

(7) Clients who become ineligible for cash assistance continue to receive the same medical coverage until a redetermination for other medical programs is completed.

(8) Clients not requesting a continuation of cash assistance have a right to be considered for other medical program eligibility.

(9) Clients receiving CN medical only remain eligible until a redetermination of eligibility for other medical programs is completed.

(10) Recipients who are assessed as needing necessary supplemental accommodation (NSA) services will be assisted in complying with the requirements of this section as specified under WAC 388-200-1300)) If you receive cash assistance, the department reviews your eligibility for assistance at least once every six months.

(2) When it is time for your eligibility review, the department requires you to complete a review form. We use the information you provide to determine your eligibility for all assistance programs.

(3) If you complete an interview for assistance with a department representative and sign the printed application for benefits (AFB) form, you do not have to complete a separate review form.

(4) For cash assistance, the eligibility review form or the AFB must be dated and signed by both husband and wife, or both parents of a child in common when the parents live together.

(5) If you receive medical assistance only, the eligibility review form or the AFB must be signed by at least one parent when the parents live together.

(6) We may move the date of your eligibility review if we decide your circumstances need to be reviewed sooner.

(7) At your review, we look at:

(a) All eligibility requirements under WAC 388-400-0005 through 388-400-0035, 388-503-0505 through 388-503-0515, and 388-505-0210 through 388-505-0220;

(b) Changes that happened since we last determined your eligibility; and

(c) Changes that are anticipated to happen during the next review period.

(8) If you receive medical assistance only, we set your eligibility review date in advance under WAC 388-416-0005 through 388-416-0035. We will start the review process before your benefits end.

(9) Clients are responsible for attending an interview if one is required under WAC 388-452-0005.

(10) If you do not complete the eligibility review for cash assistance, you are considered to be withdrawing your request for continuing assistance. Your cash assistance benefits will end. Your medical assistance will end if there is not enough information to redetermine eligibility for medical benefits.

(11) We must send you written notice under WAC 388-458-0005, 388-458-0010, and 388-450-0015 before assistance can be suspended, terminated, or a benefit error is established as a result of your eligibility review.

(12) If you are currently receiving cash or medical assistance, and you are found to no longer be eligible for benefits, we will determine if you are eligible for other medical programs. Until we decide if you are eligible for other programs, your medical assistance will continue under WAC 388-418-0025 even if you request that your benefits end.

(13) When a client is determined to need necessary supplemental accommodation (NSA) under WAC 388-200-1300, we will help the client meet the requirements of this section.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-470-0080	Compensatory award or related settlement lump sum payments.
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**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-450-0060	Lump sum payments.
WAC 388-450-0180	Effect of countable income on eligibility and benefit level for cash assistance.
WAC 388-450-0205	Budgeting income deductions for food assistance.
WAC 388-450-0220	Retrospective budgeting.
WAC 388-450-0235	Discontinued income.
WAC 388-450-0240	Effect of net lump sum payments for cash assistance.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-456-0001	Monthly reporting.
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**WSR 99-19-161  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 22, 1999, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-056.

Title of Rule: WAC 388-450-0162 The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits, 388-450-0225 How the department calculates the benefit amount for the first month of eligibility for cash assistance, 388-455-0005 How lump sum payments affect benefits, 388-455-0010 How the department treats lump sum payments as a resource for cash assistance and TANF/SFA-related medical assistance, 388-455-0015 How the department treats lump sum payments as income for cash assistance and TANF/SFA-related medical assistance, and 388-406-0021 How the department decides if you are a migrant or seasonal farmworker and if you are destitute.

Purpose: Amend WAC 388-450-0225 to correct missing information and clarify existing policy. Create WAC 388-450-0162 to reflect prospective budgeting and provide one rule for cash and food assistance. Create WAC 388-455-0005, 388-455-0010, and 388-455-0015 to reflect prospective budgeting and provide new rules for budgeting lump sum payments. Amend WAC 388-406-0021 to clarify the definition of a migrant or seasonal farmworker and how to determine if they are destitute.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: RCW 74.08.090 gives the department authority to make rules and regulations to ensure uniform administration of programs throughout the state. RCW 74.04.510 requires the department to adopt rules consistent with federal laws, rules and regulations relating to the food stamp program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, Division of Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3071.

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: Changes rules to reflect department's choice of prospective budgeting as the sole method for budgeting income and deductions.

Proposal Changes the Following Existing Rules: WAC 388-450-0162 The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits, 388-450-0225 How the department calculates the benefit amount for the first month of eligibility

**PROPOSED**

for cash assistance, 388-455-0005 How lump sum payments affect benefits, 388-455-0010 How the department treats lump sum payments as a resource for cash assistance and TANF/SFA-related medical assistance, 388-455-0015 How the department treats lump sum payments as income for cash assistance and TANF/SFA-related medical assistance, and 388-406-0021 How the department decides if you are a migrant or seasonal farmworker and if you are destitute.

Amend WAC 388-450-0225 to correct missing information and clarify existing policy. Create WAC 388-450-0162 to reflect prospective budgeting and provide one rule for cash and food assistance. Create WAC 388-455-0005, 388-455-0010, and 388-455-0015 to reflect prospective budgeting and provide new rules for budgeting lump sum payments. Amend WAC 388-406-0021 to clarify the definition of a migrant or seasonal farmworker and how to determine if they are destitute.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of 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 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by October 12, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 26, 1999.

Date of Intended Adoption: No earlier than October 27, 1999.

September 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## Chapter 388-455 WAC

### LUMP SUM INCOME

#### NEW SECTION

**WAC 388-455-0005 How lump sum payments affect benefits.** (1) For the purpose of determining benefits for cash assistance, temporary assistance for needy families (TANF)/state family assistance (SFA)-related medical assistance, and food assistance, a lump sum payment is money that the client receives but does not expect to receive on a continuing basis.

(2) For cash assistance and TANF/SFA-related medical assistance:

(a) The department counts payments awarded for wrongful death, personal injury, damage, or loss of property as resources as described in WAC 388-455-0010.

(b) We count all other lump sum payments as income as described in WAC 388-450-240.

(3) For food assistance, all lump sum payments are counted as resources as described in WAC 388-470-0055.

#### NEW SECTION

**WAC 388-455-0010 How the department treats lump sum payments as a resource for cash assistance and TANF/SFA-related medical assistance.** This section applies to cash assistance and TANF/SFA-related medical assistance.

(1) In the month the payment is received, the department does not count any amount of a lump sum payment awarded for:

- (a) Wrongful death;
- (b) Personal injury;
- (c) Damage; or
- (d) Loss of property.

(2) In the month following the month of receipt, we count the entire amount as a resource except for the portion of the payment designated for:

- (a) Repair or replacement of damaged or lost property; or
- (b) Medical bills.

(3) We do not count the portion described in subsection (2) of this section for sixty days following the month the payment is received. At the end of the sixty-day period, we count any amount that remains as a resource.

#### NEW SECTION

**WAC 388-455-0015 How the department treats lump sum payments as income for cash assistance and TANF/SFA-related medical assistance.** For cash assistance and TANF/SFA-related medical assistance, lump sum payments not awarded for wrongful death, personal injury, damage, or loss of property are counted as income. They are budgeted against the client's benefits according to the effective dates in WAC 388-418-0020. The rules in this section describe what portion is countable and when the department counts it. For rules on how lump sum payments awarded for wrongful death, personal injury, damage, or loss of property affect benefits, see WAC 388-450-0010.

(1) For cash assistance, we count all of the lump sum as income. When it is:

(a) Less than your payment standard plus additional requirements, we consider it as income in the month it is received.

(b) More than one month's payment standard plus additional requirements but less than two months:

(i) We consider the portion equal to one month's payment standard plus additional requirements as income in the month it is received; and

(ii) We consider the remainder as income the following month.

(c) Equal to or greater than the total of the payment standard plus additional requirements for the month of receipt and the following month, we consider the payment as income for those months.

(2) If you are ineligible or disqualified from receiving cash benefits and you receive a one-time lump sum payment:



- (a) We allocate the payment to meet your needs as specified in WAC 388-450-0105; and
- (b) The remainder is treated as a lump sum payment available to the eligible assistance unit members according to the rules of this section.
- (3) For TANF/SFA-related medical assistance:
  - (a) We consider lump sum payments as income in the month of receipt.
  - (b) We consider any money that remains on the first of the next month as a resource.

**NEW SECTION**

**WAC 388-450-0162 The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.** The department uses countable income to determine if the client is eligible and the amount of the cash and food assistance benefits.

- (1) Countable income is all income that remains after we subtract the following:
  - (a) Excluded or disregarded income under WAC 388-450-0015;
  - (b) Deductions or earned income incentives under WAC 388-450-0170 through 388-450-0200;
  - (c) Allocations to someone outside of the assistance unit under WAC 388-450-0095 through 388-450-0160.
- (2) Countable income includes all income that must be deemed or allocated from financially responsible persons who are not members of your assistance unit.
- (3) For cash assistance:
  - (a) We compare your countable income to the payment standard in WAC 388-478-0020 and 388-478-0030.
  - (b) You are not eligible for benefits when your assistance unit's countable income is equal to or greater than the payment standard plus any authorized additional requirements.
  - (c) Your benefit level is the payment standard and authorized additional requirements minus your assistance unit's countable income.
- (4) For food assistance:
  - (a) We compare your countable income to the monthly net income standard specified in WAC 388-478-0060.
  - (b) You are not eligible for benefits when your assistance unit's income is equal to or greater than the monthly net income standard.
  - (c) Your benefit level is the maximum allotment in WAC 388-478-0060 minus thirty percent of your countable income.

**AMENDATORY SECTION** (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0225 How ~~((to))~~ the department calculates the benefit amount for the first month of eligibility for ~~((TANF/SFA and RCA applicants))~~ cash assistance.**

(1) ~~((The benefit amount for the first calendar month of 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)) To determine the client's benefit amount for the first month of eligibility for cash assistance, the department compares the countable income to the payment standard as described in WAC 388-450-0162.~~

~~((2) Even if your countable income exceeds the payment standard, you can still receive additional requirements.~~

~~((3) When ~~((the))~~ your countable income is ~~((equal to or exceeds))~~ less than 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.~~

~~((e) When the countable income is less than the payment standard, the grant amount is prorated by:~~

~~((i)), we prorate your grant amount based on the date you are eligible.~~

~~((4) We do not prorate the approved additional requirements.~~

~~((5) We prorate your grant by:~~

~~((a) Dividing the grant amount by the number of days in the first month of eligibility; and~~

~~((i)) ~~((b) Multiplying the figure in ~~((e)(i) of this subsection))~~ ~~((4)(a) of this section)~~ 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)).~~

**NEW SECTION**

**WAC 388-406-0021 How the department decides if you are a migrant or seasonal farmworker and if you are destitute.** (1) A migrant is a person who travels away from home on a regular basis, usually with a group of laborers, to seek employment in an agriculturally-related activity. A migrant household is a household that travels for this purpose.

(2) A seasonal farmworker is a person who:

(a) Does agricultural work on a farm for edible crops; and

(b) Is not required to be away from their permanent place of residence overnight.

(3) For seasonal farmworkers, agricultural work is field work in which the person:

- (a) Plants;
- (b) Cultivates; or
- (c) Harvests the crop.

(4) A seasonal farmworker assistance unit is an assistance unit which receives its only countable income from:

- (a) Seasonal farmwork;
- (b) Unemployment compensation between seasons; or
- (c) Interest earned on a checking or savings account.

(5) A migrant or seasonal farmworker is considered destitute when:

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

(b) The household's income of the month of application is from a new source and the household will receive no more than twenty-five dollars during the ten calendar days from the date of application.

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

**WSR 99-19-162**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 22, 1999, 10:52 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-07-100.

**Title of Rule:** Chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for workers' compensation insurance.

**Purpose:** Amend risk classification premium base rates, and experience rating and retrospective rating tables to reflect updated loss experience and provide a 0% general rate increase effective January 1, 2000. This proposal also amends two general rules and creates a new rule to allow members of a limited liability company to elect optional workers' compensation coverage. This proposal specifically amends WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-89502, and 296-17-920. This proposal also specifically amends WAC 296-17-31007, 296-17-31018, and creates a new section WAC 296-17-75306.

**Statutory Authority for Adoption:** RCW 51.16.035 Base rates, 51.32.073 Supplemental pension, and 51.04.020(1) General authority.

**Statute Being Implemented:** RCW 51.16.035 and 51.32.073.

**Summary:** Proposals to the following rules establish premium rates for workers' compensation insurance classifications for calendar year 2000 and modifications to the related experience rating and retrospective rating plans: WAC 296-17-855 Experience modification, 296-17-875 Table I, primary losses for selected claim values, 296-17-880 Table II, "B" and "W" values, 296-17-885 Table III, expected loss rates and D ratios, 296-17-890 Table IV, maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-17-89502 Industrial insurance rates for nonhourly rated classifications, and 296-17-920 Assessment for supplemental pension fund.

Proposals to the following rules allow members of a limited liability company to elect optional workers' compensation coverage: WAC 296-17-31007 Owner coverage and 296-17-31018 Exception classifications.

Creation of the following rule establishes a new classification 7100-00 for members of a limited liability company: WAC 296-17-75306.

**Reasons Supporting Proposal:** Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 1999 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within industry groups. A 0% general increase in premium rates is also proposed, reflecting low medical inflation, reduction of long-term disability claims, and continued success in investments for the workers' compensation which helps finance the state fund.

**Name of Agency Personnel Responsible for Drafting:** Ken Woehl/Bill Vasek, Tumwater, Washington, 902-4748/902-5015; **Implementation:** Kathy Kimbel/Ken Woehl, Tumwater, Washington, 902-4739/902-4748; and **Enforcement:** Doug Mathers, Tumwater, Washington, 902-4750.

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

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The purpose of the proposal is to establish 2000 premium rates and experience rating parameters for calendar year 2000. Washington law (RCW 51.16.035 and 51.32.073) requires labor and industries to adjust rates to ensure solvency of the accident, medical aid and supplemental pension funds. RCW 51.16.035 also provides that premium rates charged to industry vary by degree of hazard. Labor and industries is proposing a 0% general rate increase to workers' compensation insurance premium rates beginning January 1, 2000. However, labor and industries is proposing to adjust each industry risk classification rate to reflect more current loss experience. In addition, due to recent legislation this proposal also allows members of a limited liability company to be exempted from mandatory workers' compensation coverage.

**Proposal Changes the Following Existing Rules:** Overall premium levels will remain the same. Rates for each industry classification will reflect updated loss experience. Industries with improved loss experience will see reductions in their premium rates. Industries with worsening loss experience will see increases in their premium rates. This proposal also amends two general rules and creates a new rule to allow members of a limited liability company to elect optional workers' compensation coverage.

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

**Small Business Economic Impact Statement**

Although the department was not required to prepare a small business impact statement for this proposed rule change because RCW 19.85.025(2) exempts rules covered by RCW 34.05.310(f), the department has voluntarily done so.

A copy of the statement may be obtained by writing to Department of Labor and Industries, P.O. Box 4100, Olympia, WA 98504-4100.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vi) provides an exemption for rules that set rates or fees pursuant to legislative standards. RCW 51.16.035 requires labor and industries to set premium rates according to legislative standards. Although the department was not required to prepare analysis under RCW 34.05.328, it has voluntarily completed this analysis.

Hearing Location: On November 3, 1999, at 10:00 a.m., Conference Room #4, Spokane Labor and Industries Office, 901 North Monroe, Suite 100, Spokane, WA 99201-2149; and on November 5, 1999, at 10:00 a.m., First Floor Auditorium, Tumwater Labor and Industries Office, 7273 Linderson Way S.W., Tumwater, WA 98504-4851.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776, by November 3, 1999, TDD (360) 902-4776.

Submit Written Comments to: Department of Labor and Industries, Douglas Connell, Assistant Director for Insurance Services, P.O. Box 4100, Olympia, WA 98501, or fax (360) 902-4729, by November 5, 1999.

Date of Intended Adoption: November 29, 1999.

September 22, 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~~). If you are a sole proprietor, partner, corporate officer, or member of a limited liability company you may not be required to have industrial insurance coverage as provided in RCW 51.12.020. In these instances, you can still obtain workers' compensation coverage from us. We refer to this coverage as optional coverage since as the owner/((~~corporate~~)) officer, you are not required to have this insurance. Because owner insurance coverage is optional, you must meet certain conditions and requirements which are detailed on the application for owner/((~~corporate~~)) officer optional coverage. These requirements include:

- Completing an application for optional owner/((~~corporate~~)) officer coverage;
- Reporting owner/((~~corporate~~)) officer hours in the classification assigned to your business that is applicable to the work being performed by the owner/officer;
- Submitting a supplemental report which lists the name of each covered owner/((~~corporate~~)) officer; and
- Reporting four hundred eighty hours or actual hours worked each quarter for each covered owner/((~~corporate~~)) officer and in the applicable workers' compensation classification code.

**(2) When will my owner/((~~corporate~~)) officer coverage become effective?**

Your coverage will become effective immediately after the filing date we receive your application unless you indicate a future date. We will not make coverage effective on the same date or a date prior to our receipt of your completed application for owner/((~~corporate~~)) officer coverage.

**(3) Where can I obtain an application for owner/((~~corporate~~)) officer coverage?**

To obtain a copy of this application, contact your local labor and industries office. We are listed in the government pages of your local directory or you can call our underwriting section at (360) 902-4817.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-31018 Exception classifications. (1) What are exception classifications?**

In WAC 296-17-31012 we discussed our classification policy. We described the process used to classify risk and stated that we assign the basic classification or basic classifications that best describe the nature of your company's business. While this policy is modeled after the policy used by private insurance carriers and is geared to administrative ease for you, we recognize that there are some duties or operations where your employees do not share the same general workplace hazards that your other employees are exposed to. To provide for those operations that are outside the scope of a basic classification, we have created three types of exception classifications listed below:

- Standard exception classifications,
- Special exception classifications, and
- General exclusion classifications.

**(2) What are the standard exception classifications?**

Standard exception classifications cover those employments that are administrative in nature and common to many industries. Employees covered by a standard exception classification cannot be exposed to any operative hazard of the business. If the language of the basic classification assigned to your business does not include these employments, you may be able to report them separately. The standard exception classifications are:

- Classification 4904 (WAC 296-17-653) "clerical office employment." This classification includes clerical, administrative, and drafting employees.
- Sales personnel classifications 6301 (WAC 296-17-696), 6302 (WAC 296-17-697), and 6303 (WAC 296-17-698) includes outside sales personnel and messengers.
- Classification 7101 (WAC 296-17-754) applies to corporate officers who have elected optional coverage. A corporate officer as used in these rules is a person who is an officer in the corporation, such as the president, who also serves on the corporation's board of directors and owns stock in the corporation.
- Classification 7100 (WAC 296-17-75306) applies to members of a limited liability company who have elected optional coverage.

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**Clerical office employees** are defined as employees whose duties are limited to: Answering telephones; handling correspondence; creating or maintaining financial, employment, personnel, or payroll records; composing informational material on a computer; creating or maintaining computer software; and technical drafting. Their work must be performed in a clerical office which is restricted to:

- A work area which is physically separated by walls, partitions, or other physical barriers, from all other work areas of the employer, and
- Where only clerical office work as described in this rule is performed.

A clerical office does not include any work area where inventory is located, where products are displayed for sale, or area where the customer brings products for payment. Clerical office employees can perform cashiering and telephone sales work if they do not provide any retail or wholesale customer service that involves handling, showing, demonstrating, or delivering any product sold by the employer. Clerical office employees can make bank deposits, pick up and deliver mail at the post office, or purchase office supplies, if their primary work duties are clerical office duties as defined in this rule.

**Sales personnel** are defined as employees whose duties are limited to: Soliciting new customers by telephone or in person; servicing existing customer accounts; showing, selling, or explaining products or services; completing correspondence; placing orders; performing public relations duties; and estimating. Although some of sales person's duties may be performed in a clerical office, most of their work is conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales." Sales personnel whose duties include customer service activities such as, but not limited to, the delivery of product, stocking shelves, handling inventory, or otherwise merchandising products sold to retail or wholesale customers are excluded from all standard exception classifications. Sales personnel with duties such as delivery and stocking of shelves are to be reported in the basic classification applicable to the business unless the basic classification assigned to the business requires another treatment.

**Messengers** are defined as employees whose duties are delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business. Classification 6303 "messengers" does not include delivering mail or packages to the employer's customer or as a service to the public. If a messenger is engaged in delivering mail or packages as a service to the public they are to be assigned to the basic classification of the business or classification 1101 as applicable.

**Corporate officers** duties in classification 7101 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. To qualify for this classification, a corporate officer must:

- Be a shareholder in the corporation,

- Be elected as a corporate officer and empowered in accordance with the articles of incorporation or bylaws of the corporation,
  - Serve on the corporation's board of directors,
  - Not have any exposure to any operative hazard of the business, and
  - Not directly supervise employees who have any exposure to any operative hazard of the business.
- Members of a limited liability company (LLC) duties in classification 7100 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. This includes only those members who have duties and authority similar to the exemption criteria of corporate officers in RCW 51.12.020.

Classification 6303 may apply to a corporate officer or member of a limited liability company whose duties are limited to outside sales activities as described in the sales personnel section of this rule. Under no circumstance is classification 4904 to be assigned to any corporate officer or member of a limited liability company. You cannot divide the work hours of an employee between a standard exception classification and a basic classification unless it is permitted by another rule. If an employee works part of their time in a standard exception classification and part of their time in your basic classification, then all exposure (hours) must be reported in the highest rated basic classification applicable to the work being performed.

### (3) What are the special exception classifications?

Special exception classifications represent operations found within an employer's business that are allowed to be reported separately when certain conditions are met. Assuming the conditions have been met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees."

**Security guards** - classification 6601 (WAC 296-17-723) will apply if the security guard:

- Is an employee of an employer engaged in logging or construction,
- Is for the purpose of guarding the employer's logging or construction sites,
- Is employed at the site only during the hours the employer is not conducting any other operations at the site,
- Has no other duties during their work shift as a security guard.

If all of the above conditions are not met, the security guard is to be reported in the basic classification applicable to the construction or logging operation being conducted.

**Janitors** - classification 6602 (WAC 296-17-724) will apply if:

- The janitorial/cleaning activities being performed are limited to the employer's clerical office,
- The clerical office meets the criteria described earlier in this rule, and
- The employer's office employment is assigned to be reported in classification 4904.

**Log truck drivers** - classification 5003 (WAC 296-17-6601) will apply if the log truck driver has no other duties

during their work shift that are subject to the logging classification 5001 (WAC 296-17-659).

**(4) What are the general exclusion classifications?**

General exclusion classifications represent operations that are so exceptional or unusual that they are excluded from the scope of all basic classifications. If you have these operations, we will assign a separate classification to cover them. You must keep accurate records of the work hours your employees work in these classifications. If you do not keep accurate time records for each employee performing work covered by a general exclusion classification, we will assign the work hours in question to the highest rated classification applicable to those hours. The general exclusion classifications are:

- Aircraft operations: All operations of the flying crew.
- Racing operations: All operations of the drivers and pit crews.
- Diving operations: All operations of diving personnel and ship tenders who assist in diving operations.
- New construction or alterations of the business premises.
- Musicians and entertainers.

A division of work time is permitted between a standard exception classification and flight crew operations, racing operations, or diving operations. If you fail to keep original time records that clearly show the time spent in the office or in sales work, we will assign all work hours in question to the highest rated classification applicable to the work hours in question.

*Example: Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.*

**NEW SECTION**

**WAC 296-17-75306 Classification 7100.**

**7100-00 Exempt limited liability company members, N.O.C.** Applies to members of a limited liability company exempt from mandatory coverage under RCW 51.12.020(13) who have elected optional coverage, and perform *only* administrative, clerical and outside sale duties. Any LLC member electing optional coverage who performs duties directly related to the operational activities of the company must be reported in the basic classification applicable to the work being performed.

**Special note:** Under no circumstances is classification 4904 to be assigned to any member of a limited liability company. Any member of a limited liability company who has elected optional coverage and is engaged exclusively in outside sales is to be reported separately in classification 6303.

**AMENDATORY SECTION** (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the

actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components  $A_p$ ,  $W A_e$ , and  $(1-W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" $A_p$ " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of \$10,072 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((25,180) 26,260)}{\text{Total loss} + ((15,108) 15,756)} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~(\$10,072)~~ \$10,504 the full value of the claim shall be considered a primary loss.

" $A_e$ " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" $W$ " signifies "W value." For each employer, the  $W$  value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula.  $W$  values are set forth in Table II.

" $E$ " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" $E_e$ " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual

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losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-880 Table II.**

~~(("B" and "W" Values~~

Maximum Claim Value=\$251,800

Average Death Value=\$168,469

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-875 Table I.**

~~((Primary Losses for Selected Claim Values~~

CLAIM VALUE	PRIMARY LOSS
10,072	10,072
11,720	11,000
13,755	12,000
16,125	13,000
18,919	14,000
26,332	16,000
37,875	18,000
58,332	20,000
104,521	22,000
168,469*	23,108
251,800**	23,755

\* Average death value  
 \*\* Maximum claim value))

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
10,504	10,504
11,358	11,000
13,259	12,000
15,447	13,000
17,992	14,000
24,571	16,000
34,335	18,000
50,339	20,000
81,369	22,000
180,015*	24,147
262,600**	24,774

\* Average death value  
 \*\* Maximum claim value

Expected Losses	B	W
5,455 & Under	47,510	0.00
5,456 - 10,992	47,035	0.01
10,993 - 16,612	46,560	0.02
16,613 - 22,317	46,085	0.03
22,318 - 28,109	45,610	0.04
28,110 - 33,990	45,135	0.05
33,991 - 39,963	44,659	0.06
39,964 - 46,030	44,184	0.07
46,031 - 52,194	43,709	0.08
52,195 - 58,456	43,234	0.09
58,457 - 64,820	42,759	0.10
64,821 - 71,288	42,284	0.11
71,289 - 77,864	41,809	0.12
77,865 - 84,549	41,334	0.13
84,550 - 91,347	40,859	0.14
91,348 - 98,261	40,384	0.15
98,262 - 105,294	39,908	0.16
105,295 - 112,450	39,433	0.17
112,451 - 119,732	38,958	0.18
119,733 - 127,143	38,483	0.19
127,144 - 134,688	38,008	0.20
134,689 - 142,371	37,533	0.21
142,372 - 150,194	37,058	0.22
150,195 - 158,163	36,583	0.23
158,164 - 166,282	36,108	0.24
166,283 - 174,555	35,633	0.25
174,556 - 182,988	35,157	0.26
182,989 - 191,585	34,682	0.27
191,586 - 200,350	34,207	0.28
200,351 - 209,291	33,732	0.29
209,292 - 218,411	33,257	0.30
218,412 - 227,717	32,782	0.31
227,718 - 237,216	32,307	0.32
237,217 - 246,912	31,832	0.33
246,913 - 256,814	31,357	0.34
256,815 - 266,927	30,882	0.35
266,928 - 277,260	30,406	0.36
277,261 -	29,931	0.37

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287,820	-	298,613	29,456	0.38	1,352,831	-	1,402,794	7,126	0.85
298,614	-	309,649	28,081	0.39	1,402,795	-	1,455,363	6,651	0.86
309,650	-	320,937	28,506	0.40	1,455,364	-	1,510,748	6,176	0.87
320,938	-	332,485	28,031	0.41	1,510,749	-	1,569,183	5,701	0.88
332,486	-	344,304	27,556	0.42	1,569,184	-	1,630,930	5,226	0.89
344,305	-	356,402	27,081	0.43	1,630,931	-	1,696,282	4,751	0.90
356,403	-	368,791	26,606	0.44	1,696,283	-	1,765,565	4,276	0.91
368,792	-	381,482	26,131	0.45	1,765,566	-	1,839,149	3,801	0.92
381,483	-	394,486	25,655	0.46	1,839,150	-	1,917,449	3,326	0.93
394,487	-	407,815	25,180	0.47	1,917,450	-	2,000,938	2,851	0.94
407,816	-	421,483	24,705	0.48	2,000,939	-	2,090,152	2,375	0.95
421,484	-	435,502	24,230	0.49	2,090,153	-	2,185,705	1,900	0.96
435,503	-	449,888	23,755	0.50	2,185,706	-	2,288,300	1,425	0.97
449,889	-	464,654	23,280	0.51	2,288,301	-	2,398,750	950	0.98
464,655	-	479,818	22,805	0.52	2,398,751	-	2,517,999	475	0.99
479,819	-	495,395	22,330	0.53	2,518,000 & Over		0		1.00))
495,396	-	511,404	21,855	0.54					
511,405	-	527,863	21,380	0.55					
527,864	-	544,793	20,904	0.56					
544,794	-	562,213	20,429	0.57					
562,214	-	580,147	19,954	0.58					
580,148	-	598,618	19,479	0.59					
598,619	-	617,652	19,004	0.60					
617,653	-	637,274	18,529	0.61					
637,275	-	657,514	18,054	0.62					
657,515	-	678,403	17,579	0.63					
678,404	-	699,972	17,104	0.64					
699,973	-	722,255	16,629	0.65					
722,256	-	745,291	16,153	0.66					
745,292	-	769,119	15,678	0.67					
769,120	-	793,780	15,203	0.68					
793,781	-	819,321	14,728	0.69					
819,322	-	845,790	14,253	0.70					
845,791	-	873,241	13,778	0.71					
873,242	-	901,728	13,303	0.72					
901,729	-	931,315	12,828	0.73					
931,316	-	962,065	12,353	0.74					
962,066	-	994,052	11,878	0.75					
994,053	-	1,027,351	11,402	0.76					
1,027,352	-	1,062,047	10,927	0.77					
1,062,048	-	1,098,231	10,452	0.78					
1,098,232	-	1,136,003	9,977	0.79					
1,136,004	-	1,175,469	9,502	0.80					
1,175,470	-	1,216,749	9,027	0.81					
1,216,750	-	1,259,972	8,552	0.82					
1,259,973	-	1,305,280	8,077	0.83					
1,305,281	-	1,352,830	7,602	0.84					
					156,637	=	164,947	38,152	0.23

"B" and "W" Values

Maximum Claim Value= \$262,600

Average Death Value= \$180,015

Expected Losses

B

W

5,689 & Under

49,548

0.00

5,690 =

11,463

49,053

0.01

11,464 =

17,324

48,557

0.02

17,325 =

23,274

48,062

0.03

23,275 =

29,314

47,566

0.04

29,315 =

35,448

47,071

0.05

35,449 =

41,677

46,575

0.06

41,678 =

48,005

46,080

0.07

48,006 =

54,433

45,584

0.08

54,434 =

60,964

45,089

0.09

60,965 =

67,601

44,593

0.10

67,602 =

74,346

44,098

0.11

74,347 =

81,203

43,602

0.12

81,204 =

88,175

43,107

0.13

88,176 =

95,265

42,611

0.14

95,266 =

102,475

42,116

0.15

102,476 =

109,810

41,620

0.16

109,811 =

117,273

41,125

0.17

117,274 =

124,867

40,629

0.18

124,868 =

132,597

40,134

0.19

132,598 =

140,465

39,638

0.20

140,466 =

148,477

39,143

0.21

148,478 =

156,636

38,647

0.22

156,637 =

164,947

38,152

0.23

PROPOSED

PROPOSED

<u>164,948</u>	=	<u>173,414</u>	<u>37.656</u>	<u>0.24</u>	<u>882,068</u>	=	<u>910,695</u>	<u>14,369</u>	<u>0.71</u>
<u>173,415</u>	=	<u>182,042</u>	<u>37.161</u>	<u>0.25</u>	<u>910,696</u>	=	<u>940,405</u>	<u>13,873</u>	<u>0.72</u>
<u>182,043</u>	=	<u>190,837</u>	<u>36.666</u>	<u>0.26</u>	<u>940,406</u>	=	<u>971,260</u>	<u>13,378</u>	<u>0.73</u>
<u>190,838</u>	=	<u>199,802</u>	<u>36.170</u>	<u>0.27</u>	<u>971,261</u>	=	<u>1,003,330</u>	<u>12,882</u>	<u>0.74</u>
<u>199,803</u>	=	<u>208,944</u>	<u>35.675</u>	<u>0.28</u>	<u>1,003,331</u>	=	<u>1,036,688</u>	<u>12,387</u>	<u>0.75</u>
<u>208,945</u>	=	<u>218,268</u>	<u>35.179</u>	<u>0.29</u>	<u>1,036,689</u>	=	<u>1,071,416</u>	<u>11,892</u>	<u>0.76</u>
<u>218,269</u>	=	<u>227,779</u>	<u>34.684</u>	<u>0.30</u>	<u>1,071,417</u>	=	<u>1,107,600</u>	<u>11,396</u>	<u>0.77</u>
<u>227,780</u>	=	<u>237,485</u>	<u>34.188</u>	<u>0.31</u>	<u>1,107,601</u>	=	<u>1,145,336</u>	<u>10,901</u>	<u>0.78</u>
<u>237,486</u>	=	<u>247,390</u>	<u>33.693</u>	<u>0.32</u>	<u>1,145,337</u>	=	<u>1,184,727</u>	<u>10,405</u>	<u>0.79</u>
<u>247,391</u>	=	<u>257,503</u>	<u>33.197</u>	<u>0.33</u>	<u>1,184,728</u>	=	<u>1,225,886</u>	<u>9,910</u>	<u>0.80</u>
<u>257,504</u>	=	<u>267,829</u>	<u>32.702</u>	<u>0.34</u>	<u>1,225,887</u>	=	<u>1,268,937</u>	<u>9,414</u>	<u>0.81</u>
<u>267,830</u>	=	<u>278,376</u>	<u>32.206</u>	<u>0.35</u>	<u>1,268,938</u>	=	<u>1,314,014</u>	<u>8,919</u>	<u>0.82</u>
<u>278,377</u>	=	<u>289,152</u>	<u>31.711</u>	<u>0.36</u>	<u>1,314,015</u>	=	<u>1,361,265</u>	<u>8,423</u>	<u>0.83</u>
<u>289,153</u>	=	<u>300,164</u>	<u>31.215</u>	<u>0.37</u>	<u>1,361,266</u>	=	<u>1,410,855</u>	<u>7,928</u>	<u>0.84</u>
<u>300,165</u>	=	<u>311,420</u>	<u>30.720</u>	<u>0.38</u>	<u>1,410,856</u>	=	<u>1,462,962</u>	<u>7,432</u>	<u>0.85</u>
<u>311,421</u>	=	<u>322,930</u>	<u>30.224</u>	<u>0.39</u>	<u>1,462,963</u>	=	<u>1,517,786</u>	<u>6,937</u>	<u>0.86</u>
<u>322,931</u>	=	<u>334,702</u>	<u>29.729</u>	<u>0.40</u>	<u>1,517,787</u>	=	<u>1,575,546</u>	<u>6,441</u>	<u>0.87</u>
<u>334,703</u>	=	<u>346,746</u>	<u>29.233</u>	<u>0.41</u>	<u>1,575,547</u>	=	<u>1,636,487</u>	<u>5,946</u>	<u>0.88</u>
<u>346,747</u>	=	<u>359,071</u>	<u>28.738</u>	<u>0.42</u>	<u>1,636,488</u>	=	<u>1,700,883</u>	<u>5,450</u>	<u>0.89</u>
<u>359,072</u>	=	<u>371,689</u>	<u>28.242</u>	<u>0.43</u>	<u>1,700,884</u>	=	<u>1,769,037</u>	<u>4,955</u>	<u>0.90</u>
<u>371,690</u>	=	<u>384,609</u>	<u>27.747</u>	<u>0.44</u>	<u>1,769,038</u>	=	<u>1,841,292</u>	<u>4,459</u>	<u>0.91</u>
<u>384,610</u>	=	<u>397,844</u>	<u>27.251</u>	<u>0.45</u>	<u>1,841,293</u>	=	<u>1,918,032</u>	<u>3,964</u>	<u>0.92</u>
<u>397,845</u>	=	<u>411,406</u>	<u>26.756</u>	<u>0.46</u>	<u>1,918,033</u>	=	<u>1,999,691</u>	<u>3,468</u>	<u>0.93</u>
<u>411,407</u>	=	<u>425,307</u>	<u>26.260</u>	<u>0.47</u>	<u>1,999,692</u>	=	<u>2,086,761</u>	<u>2,973</u>	<u>0.94</u>
<u>425,308</u>	=	<u>439,561</u>	<u>25.765</u>	<u>0.48</u>	<u>2,086,762</u>	=	<u>2,179,801</u>	<u>2,477</u>	<u>0.95</u>
<u>439,562</u>	=	<u>454,182</u>	<u>25.269</u>	<u>0.49</u>	<u>2,179,802</u>	=	<u>2,279,452</u>	<u>1,982</u>	<u>0.96</u>
<u>454,183</u>	=	<u>469,184</u>	<u>24.774</u>	<u>0.50</u>	<u>2,279,453</u>	=	<u>2,386,448</u>	<u>1,486</u>	<u>0.97</u>
<u>469,185</u>	=	<u>484,584</u>	<u>24.279</u>	<u>0.51</u>	<u>2,386,449</u>	=	<u>2,501,636</u>	<u>991</u>	<u>0.98</u>
<u>484,585</u>	=	<u>500,398</u>	<u>23.783</u>	<u>0.52</u>	<u>2,501,637</u>	=	<u>2,625,999</u>	<u>495</u>	<u>0.99</u>
<u>500,399</u>	=	<u>516,644</u>	<u>23.288</u>	<u>0.53</u>	<u>2,626,000 &amp; Over</u>		<u>0</u>	<u>1.00</u>	
<u>516,645</u>	=	<u>533,339</u>	<u>22.792</u>	<u>0.54</u>					
<u>533,340</u>	=	<u>550,504</u>	<u>22.297</u>	<u>0.55</u>					
<u>550,505</u>	=	<u>568,160</u>	<u>21.801</u>	<u>0.56</u>					
<u>568,161</u>	=	<u>586,327</u>	<u>21.306</u>	<u>0.57</u>					
<u>586,328</u>	=	<u>605,030</u>	<u>20.810</u>	<u>0.58</u>					
<u>605,031</u>	=	<u>624,294</u>	<u>20.315</u>	<u>0.59</u>					
<u>624,295</u>	=	<u>644,143</u>	<u>19.819</u>	<u>0.60</u>					
<u>644,144</u>	=	<u>664,608</u>	<u>19.324</u>	<u>0.61</u>					
<u>664,609</u>	=	<u>685,716</u>	<u>18.828</u>	<u>0.62</u>					
<u>685,717</u>	=	<u>707,500</u>	<u>18.333</u>	<u>0.63</u>					
<u>707,501</u>	=	<u>729,994</u>	<u>17.837</u>	<u>0.64</u>					
<u>729,995</u>	=	<u>753,234</u>	<u>17.342</u>	<u>0.65</u>					
<u>753,235</u>	=	<u>777,258</u>	<u>16.846</u>	<u>0.66</u>					
<u>777,259</u>	=	<u>802,107</u>	<u>16.351</u>	<u>0.67</u>					
<u>802,108</u>	=	<u>827,826</u>	<u>15.855</u>	<u>0.68</u>					
<u>827,827</u>	=	<u>854,463</u>	<u>15.360</u>	<u>0.69</u>					
<u>854,464</u>	=	<u>882,067</u>	<u>14.864</u>	<u>0.70</u>					

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

WAC 296-17-885 Table III.

Expected Loss Rates and D-Ratios  
for Indicated Fiscal Year

Expected Loss Rates in Dollars Per Worker Hour

((Class	1995	1996	1997	D-Ratio
0401	1.2089	1.0530	0.9338	0.407
0402	1.0608	0.9347	0.8389	0.445
0403	1.4254	1.2595	1.1338	0.455
0404	0.8625	0.7561	0.6753	0.429
0405	1.0865	0.9724	0.8868	0.495
0406	1.2089	1.0530	0.9338	0.407
0407	1.0068	0.8875	0.7972	0.450
0408	0.8625	0.7561	0.6753	0.429



0109	1.4947	1.2960	1.1443	0.393	1004	0.4392	0.3905	0.3541	0.474
0112	0.5877	0.5213	0.4711	0.467	1005	5.6608	4.8673	4.2552	0.360
0201	2.3324	2.0138	1.7697	0.378	1007	0.2938	0.2635	0.2411	0.507
0202	2.3324	2.0138	1.7697	0.378	1101	0.4676	0.4262	0.3962	0.557
0210	0.7859	0.6901	0.6175	0.436	1102	1.1068	0.9764	0.8773	0.448
0212	0.8938	0.7908	0.6224	0.410	1103	0.5663	0.5092	0.4668	0.513
0214	0.9807	0.8678	0.7827	0.462	1104	0.3758	0.3447	0.3223	0.572
0217	1.0608	0.9347	0.8389	0.445	1105	0.6398	0.5775	0.5316	0.524
0219	0.9766	0.8538	0.7602	0.417	1106	0.2669	0.2427	0.2253	0.542
0301	0.5601	0.5059	0.4658	0.524	1108	0.3907	0.3550	0.3290	0.545
0302	1.6414	1.4199	1.2501	0.386	1109	0.6978	0.6339	0.5874	0.542
0303	1.5420	1.3419	1.1892	0.406	1201	0.3686	0.3332	0.3069	0.526
0306	0.8814	0.7750	0.6947	0.441	1303	0.1464	0.1335	0.1243	0.560
0307	0.6661	0.5941	0.5405	0.488	1304	0.0201	0.0183	0.0169	0.537
0308	0.4887	0.4472	0.4172	0.570	1305	0.3569	0.3198	0.2921	0.494
0403	1.3090	1.1525	1.0390	0.455	1401	0.4877	0.4379	0.4008	0.502
0502	1.2426	1.0885	0.9714	0.429	1404	0.4636	0.4207	0.3892	0.544
0504	1.2224	1.0652	0.9450	0.404	1405	0.3406	0.3048	0.2785	0.493
0506	3.7331	3.2221	2.8478	0.385	1501	0.3493	0.3176	0.2945	0.550
0507	2.8413	2.4918	2.2255	0.427	1507	0.3247	0.2967	0.2765	0.567
0508	2.7879	2.3853	2.0757	0.347	1701	0.6155	0.5479	0.4969	0.476
0509	1.5341	1.3334	1.1797	0.397	1702	1.4931	1.2934	1.1406	0.387
0510	1.2508	1.1054	0.9955	0.455	1703	0.2939	0.2612	0.2368	0.475
0511	1.0283	0.9191	0.8379	0.496	1704	0.6155	0.5479	0.4969	0.476
0512	1.2064	1.0711	0.9695	0.473	1801	0.7675	0.6685	0.5931	0.403
0513	0.6226	0.5557	0.5058	0.492	1802	0.7431	0.6619	0.6006	0.478
0514	1.1527	1.0310	0.9407	0.494	2002	0.5152	0.4700	0.4375	0.557
0515	2.6517	2.3092	2.0474	0.407	2004	0.5361	0.4957	0.4671	0.603
0516	1.2508	1.1054	0.9955	0.455	2007	0.4108	0.3681	0.3362	0.497
0517	1.4465	1.2903	1.1733	0.484	2008	0.2336	0.2107	0.1938	0.520
0518	1.4947	1.2960	1.1443	0.393	2009	0.2832	0.2584	0.2405	0.556
0519	1.6199	1.4271	1.2810	0.442	2101	0.5281	0.4743	0.4341	0.504
0520	1.3963	1.2176	1.0814	0.414	2102	0.3754	0.3430	0.3196	0.560
0521	1.1763	1.0246	0.9085	0.404	2104	0.2239	0.2066	0.1943	0.591
0601	0.5051	0.4545	0.4170	0.517	2105	0.5125	0.4650	0.4301	0.544
0602	0.3786	0.3436	0.3181	0.548	2106	0.2895	0.2613	0.2407	0.519
0603	0.7746	0.6768	0.6024	0.419	2201	0.2071	0.1865	0.1713	0.514
0604	0.9704	0.8666	0.7892	0.486	2202	0.4547	0.4171	0.3903	0.579
0606	0.2679	0.2468	0.2219	0.591	2203	0.2830	0.2613	0.2461	0.598
0607	0.3157	0.2849	0.2624	0.526	2204	0.1912	0.1721	0.1581	0.514
0608	0.2478	0.2233	0.2053	0.516	2401	0.3339	0.3045	0.2832	0.551
0701	1.7727	1.5135	1.3147	0.347	2903	0.5565	0.5086	0.4741	0.563
0803	0.3138	0.2854	0.2647	0.551	2904	0.6371	0.5722	0.5241	0.502
0804	0.5877	0.5213	0.4711	0.467	2905	0.4151	0.3845	0.3632	0.610
0901	1.4947	1.2960	1.1443	0.393	2906	0.2937	0.2661	0.2461	0.539
1002	0.6871	0.6211	0.5725	0.529	2907	0.4443	0.4033	0.3733	0.540
1003	0.6868	0.6166	0.5647	0.506	2908	0.7846	0.7067	0.6491	0.517

2909	0.3562	0.3250	0.3026	0.558	3906	0.3719-	0.3379	0.3130	0.543
3101	0.6247	0.5498	0.4920	0.437	3909	0.1502	0.1387	0.1307	0.596
3102	0.2117	0.1918	0.1772	0.534	4002	0.7544	0.6842	0.6323	0.545
3103	0.6829	0.5996	0.5365	0.428	4101	0.2046	0.1876	0.1754	0.575
3104	0.4464	0.3976	0.3610	0.483	4103	0.2240	0.2110	0.2024	0.664
3105	0.6629	0.6062	0.5654	0.569	4107	0.1169	0.1068	0.0997	0.564
3303	0.2178	0.1988	0.1850	0.558	4108	0.1386	0.1247	0.1146	0.514
3304	0.4629	0.4222	0.3944	0.561	4109	0.1931	0.1767	0.1648	0.565
3309	0.3257	0.2990	0.2798	0.576	4201	0.3613	0.3273	0.3023	0.544
3401	0.3333	0.2997	0.2749	0.511	4301	0.6441	0.5814	0.5353	0.518
3402	0.3595	0.3277	0.3047	0.557	4302	0.4644	0.4201	0.3876	0.535
3403	0.1729	0.1537	0.1394	0.471	4304	0.5873	0.5327	0.4928	0.538
3404	0.3567	0.3267	0.3054	0.573	4305	0.7517	0.6782	0.6240	0.526
3405	0.1988	0.1809	0.1681	0.555	4401	0.3685	0.3283	0.2981	0.472
3406	0.2062	0.1886	0.1759	0.565	4402	0.5869	0.5345	0.4966	0.552
3407	0.3156	0.2877	0.2675	0.559	4404	0.3389	0.3042	0.2784	0.500
3408	0.0992	0.0903	0.0837	0.546	4501	0.1227	0.1118	0.1040	0.552
3409	0.0892	0.0825	0.0777	0.601	4502	0.0379	0.0344	0.0319	0.543
3410	0.1791	0.1654	0.1558	0.593	4504	0.0812	0.0758	0.0722	0.632
3411	0.3333	0.2997	0.2749	0.511	4601	0.5336	0.4824	0.4447	0.525
3412	0.3445	0.3109	0.2861	0.525	4802	0.1896	0.1717	0.1586	0.531
3413	0.4197	0.3816	0.3539	0.549	4803	0.1700	0.1564	0.1470	0.586
3414	0.4156	0.3749	0.3449	0.521	4804	0.4453	0.4075	0.3803	0.565
3415	0.4580	0.4135	0.3806	0.524	4805	0.2532	0.2294	0.2120	0.532
3501	0.7601	0.6742	0.6092	0.462	4806	0.0477	0.0431	0.0397	0.523
3503	0.2389	0.2218	0.2098	0.605	4808	0.3828	0.3425	0.3124	0.493
3506	0.8275	0.7308	0.6582	0.461	4809	0.2186	0.2022	0.1907	0.604
3509	0.3241	0.3010	0.2849	0.618	4810	0.1190	0.1085	0.1009	0.548
3510	0.3492	0.3188	0.2968	0.560	4811	0.1909	0.1760	0.1656	0.591
3511	0.5104	0.4641	0.4303	0.545	4812	0.2751	0.2502	0.2321	0.549
3512	0.3150	0.2908	0.2738	0.593	4813	0.1545	0.1393	0.1282	0.514
3513	0.3592	0.3278	0.3053	0.559	4900	0.3833	0.3397	0.3070	0.464
3602	0.1017	0.0941	0.0888	0.602	4901	0.0466	0.0421	0.0390	0.536
3603	0.4142	0.3779	0.3516	0.557	4902	0.0630	0.0577	0.0539	0.571
3604	1.0359	0.9497	0.8881	0.577	4903	0.0515	0.0470	0.0438	0.563
3605	0.3951	0.3588	0.3322	0.544	4904	0.0238	0.0219	0.0206	0.583
3701	0.2117	0.1918	0.1772	0.534	4905	0.2525	0.2331	0.2194	0.592
3702	0.3451	0.3174	0.2978	0.588	4906	0.0681	0.0622	0.0581	0.569
3707	0.4870	0.4338	0.3933	0.461	4907	0.0525	0.0476	0.0441	0.537
3801	0.1469	0.1351	0.1267	0.582	4909	0.0464	0.0433	0.0412	0.612
3802	0.1469	0.1351	0.1267	0.582	4910	0.3248	0.2956	0.2746	0.550
3808	0.3202	0.2884	0.2649	0.517	5001	3.9466	3.4100	2.9976	0.380
3901	0.1394	0.1294	0.1224	0.608	5002	0.4206	0.3829	0.3555	0.555
3902	0.3279	0.2994	0.2789	0.559	5003	1.2397	1.0758	0.9504	0.393
3903	1.0106	0.9121	0.8397	0.516	5004	1.0961	0.9780	0.8894	0.481
3905	0.1394	0.1294	0.1224	0.608	5005	0.3641	0.7536	0.6689	0.409

5006	1-2281	1-0758	0-9505	0-426	6409	0-4197	0-3816	0-3539	0-549
5101	0-6779	0-6288	0-5945	0-613	6410	0-1482	0-1342	0-1242	0-533
5103	0-6406	0-5904	0-5549	0-589	6501	0-0913	0-0853	0-0812	0-639
5106	0-6406	0-5904	0-5549	0-589	6502	0-0236	0-0214	0-0199	0-549
5108	0-4038	0-4505	0-4195	0-559	6503	0-0577	0-0516	0-0472	0-499
5109	0-5713	0-5075	0-4598	0-471	6504	0-3230	0-2998	0-2837	0-608
5201	0-2645	0-2399	0-2220	0-544	6505	0-0863	0-0787	0-0733	0-549
5204	0-7193	0-6418	0-5841	0-485	6506	0-0692	0-0629	0-0618	0-547
5206	0-3833	0-397	0-3070	0-464	6508	0-2871	0-2610	0-2420	0-541
5207	0-1368	0-1283	0-1228	0-646	6509	0-2274	0-2079	0-1939	0-560
5208	0-7123	0-6414	0-5893	0-517	6510	0-2871	0-2610	0-2420	0-541
5209	0-6010	0-5424	0-5011	0-530	6511	0-2871	0-2610	0-2420	0-541
5301	0-0270	0-0247	0-0232	0-575	6601	0-1553	0-1429	0-1342	0-582
5305	0-0420	0-0393	0-0375	0-642	6602	0-3700	0-3385	0-3157	0-565
5306	0-0386	0-0354	0-0330	0-565	6603	0-2822	0-2565	0-2378	0-545
5307	0-2856	0-2601	0-2416	0-556	6604	0-0537	0-0483	0-0443	0-503
6103	0-0627	0-0583	0-0554	0-620	6605	0-2652	0-2526	0-2449	0-693
6104	0-2255	0-2089	0-1975	0-610	6607	0-1312	0-1215	0-1145	0-602
6105	0-1610	0-1459	0-1349	0-536	6608	0-2675	0-2382	0-2161	0-480
6107	0-0943	0-0873	0-0824	0-599	6620	1-2146	1-1144	1-0427	0-582
6108	0-3669	0-3389	0-3192	0-596	6704	0-0983	0-0902	0-0844	0-576
6109	0-0582	0-0527	0-0486	0-527	6705	0-6228	0-5814	0-5536	0-630
6110	0-3305	0-3002	0-2781	0-543	6706	0-3268	0-3004	0-2819	0-577
6201	0-2556	0-2291	0-2095	0-503	6707	1-3699	1-2678	1-1966	0-602
6202	0-5204	0-4667	0-4269	0-497	6708	5-5217	4-9151	4-4626	0-459
6203	0-0657	0-0618	0-0593	0-656	6709	0-1644	0-1543	0-1476	0-646
6204	0-1319	0-1221	0-1154	0-606	6801	0-2210	0-2018	0-1880	0-567
6205	0-1817	0-1676	0-1577	0-594	6802	0-3454	0-3198	0-3023	0-604
6206	0-1575	0-1455	0-1371	0-597	6803	0-6935	0-5942	0-5184	0-353
6207	1-1722	1-0818	1-0180	0-585	6804	0-1761	0-1623	0-1526	0-595
6208	0-2372	0-2165	0-2018	0-549	6809	4-0833	3-7922	3-5938	0-608
6209	0-2095	0-1930	0-1814	0-587	6901	0-0402	0-0392	0-0390	0-741
6301	0-1180	0-1038	0-0932	0-440	6902	0-6820	0-5929	0-5247	0-401
6302	0-1411	0-1274	0-1173	0-519	6903	3-9732	3-3781	2-9254	0-327
6303	0-0401	0-0534	0-0493	0-524	6904	0-1904	0-1765	0-1666	0-615
6304	0-1739	0-1620	0-1679	0-622	6905	0-2352	0-2167	0-2036	0-594
6305	0-0647	0-0598	0-0583	0-595	6906	0-1102	0-1059	0-1038	0-688
6306	0-1355	0-1091	0-1813	0-587	6907	0-9003	0-8184	0-7584	0-548
6308	0-0460	0-0421	0-0393	0-568	6908	0-4165	0-3788	0-3515	0-550
6309	0-1141	0-1048	0-1137	0-579	6909	0-0880	0-0812	0-0763	0-594
6402	0-2154	0-1992	0-1948	0-604	7002	0-0000	0-0000	0-0000	0-500
6403	0-1400	0-1280	0-1367	0-559	7101	0-0255	0-0230	0-0209	0-490
6404	0-1526	0-1411	0-1395	0-597	7102	3-2856	3-0428	2-8758	0-590
6405	0-3415	0-4255	0-3991	0-507	7103	0-2707	0-2437	0-2237	0-515
6406	0-0579	0-0542	0-0553	0-641	7104	0-0214	0-0198	0-0187	0-603
6407	0-1242	0-1745	0-1629	0-565	7105	0-0208	0-0193	0-0184	0-625
6408	0-2664	0-2461	0-2317	0-600	7106	0-1272	0-1164	0-1088	0-569

PROPOSED

					<b>Class</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>D-Ratio</b>
7107	0.2158	0.1991	0.1874	0.594					
7108	0.1756	0.1648	0.1577	0.648	0403	1.3011	1.2588	1.0637	0.462
7109	0.1353	0.1255	0.1186	0.607	0502	1.2196	1.1728	0.9719	0.425
7110	0.2618	0.2337	0.2127	0.488	0504	1.2033	1.1569	0.9522	0.402
7111	0.3417	0.3117	0.2899	0.555	0506	3.5412	3.3986	2.7796	0.389
7112	0.4854	0.4440	0.4141	0.567	0507	2.7558	2.6539	2.2051	0.426
7113	0.4865	0.4435	0.4127	0.559	0508	2.5763	2.4610	1.9760	0.351
7114	0.6096	0.5749	0.5526	0.664	0509	1.5473	1.4834	1.2109	0.389
7115	0.4298	0.3973	0.3748	0.604	0510	1.2436	1.2000	1.0069	0.451
7116	0.4121	0.3746	0.3472	0.543	0511	1.1017	1.0649	0.9024	0.477
7117	0.8708	0.8079	0.7634	0.611	0512	1.1159	1.0777	0.9087	0.464
7118	1.3687	1.2527	1.1704	0.571	0513	0.6194	0.5992	0.5103	0.490
7119	1.5742	1.4433	1.3492	0.579	0514	1.0931	1.0603	0.9082	0.495
7120	4.1969	3.7761	3.4668	0.509	0515	2.8938	2.7752	2.2699	0.394
7121	4.2770	3.8504	3.5356	0.513	0516	1.2436	1.2000	1.0069	0.451
7201	0.8348	0.7550	0.6959	0.536	0517	1.4134	1.3687	1.1641	0.480
7202	0.0366	0.0327	0.0298	0.485	0518	1.3861	1.3306	1.0937	0.407
7203	0.1063	0.0976	0.0915	0.571	0519	1.5467	1.4937	1.2555	0.452
7204	0.0000	0.0000	0.0000	0.500	0520	1.3443	1.2905	1.0632	0.414
7301	0.4684	0.4190	0.3821	0.494	0521	1.0583	1.0176	0.8392	0.409
7302	0.5614	0.5123	0.4768	0.556	0601	0.4792	0.4653	0.4019	0.522
7307	0.4842	0.4451	0.4174	0.580	0602	0.3884	0.3782	0.3312	0.556
7308	0.1944	0.1821	0.1740	0.639	0603	0.7383	0.7097	0.5875	0.423
7309	0.1644	0.1543	0.1476	0.646))	0604	0.9155	0.8881	0.7591	0.488
					0606	0.2857	0.2797	0.2490	0.585
					0607	0.3179	0.3085	0.2656	0.509
<b>Class</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>D-Ratio</b>	0608	0.2370	0.2306	0.1995	0.519
0101	1.1939	1.1467	0.9438	0.408	0701	1.6925	1.6123	1.2870	0.347
0103	1.5073	1.4525	1.2134	0.443	0803	0.3311	0.3227	0.2828	0.553
0104	0.8558	0.8231	0.6820	0.423	0901	1.3861	1.3306	1.0937	0.407
0105	1.0556	1.0246	0.8809	0.506	1002	0.7360	0.7151	0.6168	0.513
0106	1.1939	1.1467	0.9438	0.408	1003	0.7275	0.7070	0.6090	0.506
0107	0.9855	0.9500	0.7957	0.450	1004	0.4302	0.4160	0.3520	0.467
0108	0.8558	0.8231	0.6820	0.423	1005	5.3289	5.0987	4.1192	0.363
0112	0.5559	0.5373	0.4537	0.465	1007	0.2921	0.2832	0.2428	0.505
0201	2.3887	2.2871	1.8550	0.373	1101	0.4690	0.4578	0.4022	0.556
0202	2.3887	2.2871	1.8550	0.373	1102	1.0844	1.0456	0.8743	0.442
0210	0.8052	0.7756	0.6483	0.447	1103	0.6474	0.6271	0.5336	0.481
0212	0.7489	0.7197	0.5932	0.410	1104	0.3599	0.3529	0.3156	0.595
0214	0.9580	0.9248	0.7798	0.467	1105	0.7016	0.6806	0.5821	0.490
0217	0.9966	0.9621	0.8101	0.461	1106	0.2817	0.2752	0.2410	0.539
0219	0.9043	0.8716	0.7283	0.442	1108	0.4023	0.3927	0.3448	0.554
0301	0.5087	0.4954	0.4311	0.533	1109	0.7378	0.7190	0.6256	0.529
0302	1.6845	1.6105	1.3022	0.371	1301	0.3955	0.3849	0.3349	0.535
0303	1.6352	1.5683	1.2844	0.398	1303	0.1462	0.1426	0.1255	0.562
0306	0.8583	0.8259	0.6871	0.435	1304	0.0200	0.0195	0.0170	0.533
0307	0.6389	0.6189	0.5289	0.495	1305	0.3291	0.3200	0.2756	0.503
0308	0.4671	0.4563	0.4023	0.566					

<u>Class</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>D-Ratio</u>
1401	0.4823	0.4692	0.4058	0.515	3405	0.2018	0.1972	0.1746	0.576
1404	0.4292	0.4177	0.3635	0.535	3406	0.2045	0.1997	0.1757	0.556
1405	0.3231	0.3142	0.2715	0.512	3407	0.3332	0.3249	0.2855	0.563
1501	0.3614	0.3519	0.3071	0.544	3408	0.1031	0.1008	0.0891	0.572
1507	0.3683	0.3588	0.3135	0.547	3409	0.0914	0.0897	0.0805	0.606
1701	0.6051	0.5872	0.5042	0.504	3410	0.1808	0.1773	0.1580	0.582
1702	1.4905	1.4290	1.1665	0.388	3411	0.3449	0.3348	0.2875	0.502
1703	0.3453	0.3297	0.2621	0.318	3412	0.3695	0.3586	0.3077	0.501
1704	0.6051	0.5872	0.5042	0.504	3413	0.4159	0.4056	0.3555	0.552
1801	0.6960	0.6701	0.5543	0.413	3414	0.4155	0.4042	0.3501	0.523
1802	0.6108	0.5932	0.5106	0.508	3415	0.4924	0.4787	0.4131	0.513
2002	0.5359	0.5235	0.4607	0.557	3501	0.7484	0.7243	0.6132	0.466
2004	0.5662	0.5548	0.4956	0.596	3503	0.2360	0.2322	0.2095	0.609
2005	0.2808	0.2749	0.2435	0.568	3506	0.8404	0.8091	0.6771	0.454
2007	0.3961	0.3844	0.3297	0.498	3509	0.3243	0.3185	0.2872	0.620
2008	0.2345	0.2280	0.1973	0.518	3510	0.3273	0.3200	0.2831	0.571
2009	0.2808	0.2749	0.2435	0.568	3511	0.5048	0.4917	0.4277	0.530
2101	0.5838	0.5661	0.4825	0.481	3512	0.3206	0.3148	0.2831	0.609
2102	0.3754	0.3666	0.3223	0.554	3513	0.3679	0.3588	0.3136	0.539
2104	0.2307	0.2263	0.2022	0.589	3602	0.0966	0.0949	0.0853	0.609
2105	0.5375	0.5234	0.4574	0.547	3603	0.4154	0.4056	0.3565	0.554
2106	0.2889	0.2816	0.2453	0.529	3604	0.9761	0.9536	0.8408	0.564
2201	0.2091	0.2034	0.1761	0.520	3605	0.3937	0.3836	0.3352	0.545
2202	0.4541	0.4435	0.3916	0.570	3701	0.1970	0.1924	0.1697	0.565
2203	0.2977	0.2921	0.2620	0.604	3702	0.3398	0.3326	0.2959	0.588
2204	0.2091	0.2034	0.1761	0.520	3708	0.4023	0.3911	0.3370	0.508
2401	0.3217	0.3152	0.2805	0.583	3802	0.1240	0.1221	0.1108	0.628
2903	0.5305	0.5191	0.4608	0.579	3808	0.3326	0.3232	0.2790	0.513
2904	0.6295	0.6120	0.5271	0.504	3901	0.1368	0.1345	0.1213	0.609
2905	0.4022	0.3950	0.3561	0.619	3902	0.3080	0.3011	0.2654	0.561
2906	0.2930	0.2855	0.2496	0.547	3903	1.0013	0.9759	0.8466	0.516
2907	0.4327	0.4220	0.3693	0.544	3905	0.1368	0.1345	0.1213	0.609
2908	0.8003	0.7776	0.6709	0.514	3906	0.3495	0.3411	0.2999	0.556
2909	0.3354	0.3275	0.2880	0.555	3909	0.1498	0.1471	0.1319	0.601
3101	0.6005	0.5798	0.4867	0.449	4002	0.7897	0.7681	0.6696	0.548
3102	0.1970	0.1924	0.1697	0.565	4101	0.2092	0.2046	0.1810	0.574
3103	0.6360	0.6135	0.5107	0.423	4103	0.2325	0.2294	0.2103	0.659
3104	0.4637	0.4486	0.3800	0.473	4107	0.1134	0.1108	0.0976	0.560
3105	0.6444	0.6306	0.5618	0.592	4108	0.1358	0.1321	0.1143	0.516
3303	0.2307	0.2254	0.1985	0.559	4109	0.1949	0.1905	0.1680	0.563
3304	0.4602	0.4497	0.3957	0.555	4201	0.3979	0.3861	0.3339	0.530
3309	0.3272	0.3200	0.2833	0.570	4301	0.6281	0.6127	0.5344	0.533
3401	0.3449	0.3348	0.2875	0.502	4302	0.4574	0.4448	0.3861	0.532
3402	0.3492	0.3406	0.2988	0.553	4304	0.5898	0.5753	0.5029	0.542
3403	0.1657	0.1606	0.1367	0.478	4305	0.7930	0.7701	0.6665	0.527
3404	0.3659	0.3575	0.3156	0.567	4401	0.3548	0.3444	0.2935	0.474

PROPOSED

<b>Class</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>D-Ratio</b>	<b>Class</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>D-Ratio</b>
4402	0.5804	0.5661	0.4957	0.546	5305	0.0440	0.0433	0.0395	0.645
4404	0.3185	0.3095	0.2660	0.496	5306	0.0390	0.0382	0.0339	0.581
4501	0.1260	0.1231	0.1089	0.567	5307	0.3023	0.2945	0.2574	0.548
4502	0.0383	0.0374	0.0328	0.548	6103	0.0631	0.0622	0.0562	0.619
4504	0.0807	0.0794	0.0719	0.623	6104	0.2404	0.2359	0.2116	0.604
4601	0.5307	0.5166	0.4478	0.520	6105	0.1609	0.1568	0.1367	0.535
4802	0.1816	0.1770	0.1539	0.527	6107	0.0934	0.0916	0.0818	0.583
4803	0.1700	0.1667	0.1485	0.584	6108	0.3407	0.3349	0.3016	0.610
4804	0.4457	0.4358	0.3852	0.567	6109	0.0579	0.0565	0.0496	0.553
4805	0.2406	0.2350	0.2062	0.547	6110	0.3303	0.3223	0.2822	0.545
4806	0.0454	0.0442	0.0386	0.527	6201	0.2625	0.2543	0.2168	0.487
4808	0.3688	0.3581	0.3076	0.500	6202	0.5379	0.5227	0.4475	0.486
4809	0.2292	0.2245	0.2004	0.590	6203	0.0671	0.0664	0.0611	0.657
4810	0.1170	0.1144	0.1005	0.542	6204	0.1304	0.1279	0.1146	0.597
4811	0.1931	0.1893	0.1688	0.587	6205	0.1840	0.1802	0.1601	0.581
4812	0.2737	0.2672	0.2348	0.557	6206	0.1618	0.1588	0.1423	0.604
4813	0.1417	0.1382	0.1203	0.527	6207	1.1898	1.1689	1.0440	0.580
4900	0.3581	0.3467	0.2946	0.479	6208	0.2305	0.2258	0.1989	0.543
4901	0.0514	0.0500	0.0433	0.524	6209	0.2066	0.2027	0.1809	0.584
4902	0.0654	0.0639	0.0564	0.571	6301	0.1144	0.1104	0.0923	0.440
4903	0.0542	0.0529	0.0466	0.564	6302	0.1388	0.1354	0.1177	0.524
4904	0.0237	0.0232	0.0206	0.580	6303	0.0584	0.0569	0.0496	0.533
4905	0.2640	0.2592	0.2317	0.588	6304	0.1783	0.1918	0.0615	0.638
4906	0.0683	0.0668	0.0591	0.575	6305	0.0673	0.0684	0.1766	0.605
4907	0.0494	0.0481	0.0420	0.536	6306	0.2022	0.1981	0.1766	0.590
4908	0.1087	0.1081	0.1003	0.662	6308	0.0447	0.0438	0.1135	0.578
4909	0.0471	0.0466	0.0423	0.614	6309	0.1130	0.1278	0.1992	0.575
4910	0.3214	0.3137	0.2750	0.546	6402	0.2177	0.2216	0.1284	0.613
5001	3.9217	3.7561	3.0558	0.383	6403	0.1288	0.1441	0.1388	0.581
5002	0.4225	0.4118	0.3609	0.553	6404	0.1499	0.1545	0.3948	0.604
5003	1.2004	1.1526	0.9479	0.407	6405	0.4670	0.4545	0.3948	0.528
5004	1.0217	0.9900	0.8407	0.471	6406	0.0575	0.0604	0.1663	0.621
5005	0.7502	0.7217	0.5987	0.426	6407	0.1915	0.1875	0.1663	0.575
5006	1.2771	1.2277	1.0139	0.415	6408	0.2601	0.2549	0.2282	0.603
5101	0.7103	0.6964	0.6238	0.604	6409	0.4159	0.4056	0.3555	0.552
5103	0.6357	0.6236	0.5576	0.594	6410	0.1641	0.1597	0.1383	0.515
5106	0.6357	0.6236	0.5576	0.594	6501	0.0948	0.0934	0.0851	0.652
5108	0.5471	0.5353	0.4749	0.578	6502	0.0232	0.0226	0.0199	0.553
5109	0.5455	0.5284	0.4505	0.487	6503	0.0578	0.0562	0.0484	0.516
5201	0.2641	0.2570	0.2235	0.532	6504	0.3187	0.3141	0.2847	0.621
5204	0.6886	0.6681	0.5724	0.496	6505	0.0843	0.0825	0.0730	0.557
5206	0.3581	0.3467	0.2946	0.479	6506	0.0691	0.0715	0.2024	0.558
5207	0.1363	0.1344	0.1224	0.637	6508	0.2377	0.2324	0.2046	0.554
5208	0.6472	0.6300	0.5478	0.531	6509	0.2345	0.2294	0.2024	0.558
5209	0.5947	0.5785	0.5018	0.527	6510	0.2727	0.2653	0.2289	0.505
5301	0.0269	0.0262	0.0234	0.583	6511	0.2832	0.2768	0.2431	0.546

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<u>Class</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>D-Ratio</u>	<u>Class</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>D-Ratio</u>
6601	0.1519	0.1491	0.1334	0.594	7118	1.1243	1.0992	0.9749	0.580
6602	0.3542	0.3462	0.3054	0.562	7119	1.5635	1.5281	1.3547	0.582
6603	0.2953	0.2883	0.2529	0.549	7120	4.2819	4.1663	3.6016	0.512
6604	0.0524	0.0511	0.0443	0.509	7121	4.2481	4.1311	3.5690	0.513
6605	0.2578	0.2556	0.2380	0.688	7201	0.8874	0.8617	0.7461	0.530
6607	0.1427	0.1398	0.1247	0.586	7202	0.0335	0.0325	0.0278	0.490
6608	0.3068	0.2964	0.2502	0.464	7203	0.1041	0.1021	0.0908	0.571
6620	1.6084	1.5726	1.4009	0.597	7204	0.0000	0.0000	0.0000	0.500
6704	0.0979	0.0960	0.0856	0.591	7301	0.4611	0.4466	0.3794	0.474
6705	0.6298	0.6207	0.5653	0.637	7302	0.5830	0.5687	0.4971	0.540
6706	0.3234	0.3173	0.2828	0.579	7307	0.4690	0.4592	0.4067	0.569
6707	1.3625	1.3380	1.2018	0.603	7308	0.2079	0.2050	0.1866	0.629
6708	5.8152	5.6516	4.7942	0.448	7309	0.1660	0.1637	0.1495	0.642
6709	0.1660	0.1637	0.1495	0.642					
6801	0.2373	0.2317	0.2047	0.577					
6802	0.3478	0.3415	0.3066	0.603					
6803	0.6579	0.6298	0.5092	0.363					
6804	0.1812	0.1775	0.1587	0.597					
6809	4.3146	4.2483	3.8343	0.607					
6901	0.0447	0.0453	0.0440	0.756					
6902	0.6917	0.6640	0.5445	0.399					
6903	4.5443	4.3263	3.4170	0.311					
6904	0.2089	0.2046	0.1838	0.620					
6905	0.2474	0.2419	0.2151	0.591					
6906	0.1124	0.1130	0.1072	0.689					
6907	0.8930	0.8704	0.7620	0.551					
6908	0.4197	0.4100	0.3626	0.576					
6909	0.0864	0.0847	0.0756	0.595					
7100	0.0252	0.0245	0.0210	0.488					
7101	0.0252	0.0245	0.0210	0.488					
7102	3.3121	3.2662	2.9421	0.590					
7103	0.2809	0.2729	0.2359	0.519					
7104	0.0211	0.0208	0.0186	0.597					
7105	0.0208	0.0205	0.0186	0.636					
7106	0.1295	0.1268	0.1125	0.576					
7107	0.2177	0.2137	0.1918	0.603					
7108	0.1858	0.1831	0.1667	0.632					
7109	0.1289	0.1268	0.1146	0.616					
7110	0.2860	0.2772	0.2367	0.489					
7111	0.3433	0.3352	0.2947	0.556					
7112	0.4935	0.4824	0.4267	0.573					
7113	0.4771	0.4662	0.4123	0.572					
7114	0.5884	0.5814	0.5353	0.665					
7115	0.4282	0.4201	0.3774	0.610					
7116	0.4116	0.4020	0.3532	0.552					
7117	0.8533	0.8384	0.7568	0.622					

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed				
<u>Class</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>D-Ratio</u>
0522	0.0185	0.0161	0.0143	0.407
0523	0.0120	0.0104	0.0093	0.414
0524	0.0115	0.0101	0.0090	0.441
0525	0.0081	0.0070	0.0063	0.420
0526	0.0071	0.0063	0.0055	0.406
0527	0.0005	0.0004	0.0004	0.364
0528	0.0018	0.0016	0.0014	0.416
0529	0.0012	0.0011	0.0010	0.410
0530	0.0166	0.0144	0.0128	0.403
0531	0.0108	0.0094	0.0083	0.414
0532	0.0009	0.0008	0.0006	0.403
0533	0.0028	0.0025	0.0022	0.401
0534	0.0018	0.0016	0.0014	0.416
7900	0.0127	0.0110	0.0099	0.408
7901	0.0078	0.0068	0.0061	0.415))

<u>Class</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>D-Ratio</u>
0522	0.0177	0.0170	0.0140	0.408
0523	0.0117	0.0113	0.0093	0.413
0524	0.0128	0.0122	0.0102	0.445
0525	0.0080	0.0077	0.0064	0.426
0526	0.0074	0.0071	0.0058	0.402
0527	0.0005	0.0005	0.0004	0.373
0528	0.0018	0.0018	0.0015	0.413
0529	0.0012	0.0011	0.0010	0.408
0530	0.0179	0.0172	0.0141	0.396
0531	0.0103	0.0099	0.0081	0.408
0532	0.0009	0.0009	0.0006	0.410
0533	0.0028	0.0027	0.0022	0.398

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Class	1996	1997	1998	D-Ratio
0534	0.0018	0.0018	0.0015	0.413
7900	0.0140	0.0133	0.0109	0.394
7901	0.0075	0.0071	0.0058	0.414

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-890 Table IV.**

**Maximum experience modifications  
for firms with no compensable accidents:**

<u>((Expected- Loss Range</u>	<u>Maximum Experience Modification</u>
2,383 & Lower	0.90
2,384 - 2,550	0.89
2,551 - 2,730	0.88
2,731 - 2,925	0.87
2,926 - 3,137	0.86
3,138 - 3,367	0.85
3,368 - 3,617	0.84
3,618 - 3,888	0.83
3,889 - 4,184	0.82
4,185 - 4,506	0.81
4,507 - 4,858	0.80
4,859 - 5,241	0.79
5,242 - 5,661	0.78
5,662 - 6,121	0.77
6,122 - 6,625	0.76
6,626 - 7,177	0.75
7,178 - 7,784	0.74
7,785 - 8,452	0.73
8,453 - 9,188	0.72
9,189 - 10,000	0.71
10,001 - 10,896	0.70
10,897 - 11,888	0.69
11,889 - 12,986	0.68
12,987 - 14,205	0.67
14,206 - 15,559	0.66
15,560 - 17,067	0.65
17,068 - 18,747	0.64
18,748 - 20,623	0.63
20,624 - 22,723	0.62
22,724 - 25,075	0.61
25,076 & Higher	0.60))

<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>
2,485 & Lower	0.90
2,486 - 2,659	0.89
2,660 - 2,847	0.88
2,848 - 3,051	0.87
3,052 - 3,272	0.86
3,273 - 3,511	0.85
3,512 - 3,772	0.84
3,773 - 4,055	0.83
4,056 - 4,363	0.82
4,364 - 4,699	0.81
4,700 - 5,066	0.80
5,067 - 5,466	0.79
5,467 - 5,904	0.78
5,905 - 6,383	0.77
6,384 - 6,909	0.76
6,910 - 7,485	0.75
7,486 - 8,118	0.74
8,119 - 8,815	0.73
8,816 - 9,582	0.72
9,583 - 10,429	0.71
10,430 - 11,364	0.70
11,365 - 12,398	0.69
12,399 - 13,543	0.68
13,544 - 14,814	0.67
14,815 - 16,227	0.66
16,228 - 17,799	0.65
17,800 - 19,551	0.64
19,552 - 21,508	0.63
21,509 - 23,697	0.62
23,698 - 26,151	0.61
26,152 & Higher	0.60

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective  
January 1, 1999

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.5203	0.4584

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0103	1-7561	0-5816	1003	0-7629	0-3390
0104	1-0744	0-3380	1004	0-5042	0-2030
0105	1-2392	0-5152	1005	7-1860	2-0386
0107	1-2724	0-3893	1007	0-3495	0-1312
0108	1-0744	0-3380	1101	0-5047	0-2462
0112	0-7012	0-2552	1102	1-3476	0-4593
0201	3-0120	0-8173	1103	0-6578	0-2642
0202	3-0120	0-8173	1104	0-3701	0-2211
0210	0-9815	0-3077	1105	0-7115	0-3190
0212	0-9923	0-3155	1106	0-2557	0-1589
0214	1-2178	0-3955	1108	0-4199	0-2054
0217	1-2946	0-4373	1109	0-7200	0-3846
0219	1-1908	0-3957	1201	0-4049	0-1876
0301	0-6081	0-2879	1303	0-1613	0-0752
0302	2-1719	0-5481	1304	0-0207	0-0111
0303	1-9927	0-5514	1305	0-3775	0-1867
0306	1-1049	0-3435	1401	0-5209	0-2533
0307	0-7890	0-2955	1404	0-5319	0-2240
0308	0-5297	0-2582	1405	0-3558	0-1799
0403	1-4958	0-5961	1501	0-3975	0-1713
0502	1-5896	0-4618	1507	0-3663	0-1628
0504	1-4679	0-5049	1701	0-7029	0-2878
0506	4-6762	1-4043	1702	1-8741	0-5600
0507	3-4005	1-1975	1703	0-3520	0-1272
0508	3-6793	0-9062	1704	0-7029	0-2878
0509	1-8957	0-5981	1801	0-9120	0-3213
0510	1-5063	0-5304	1802	0-8596	0-3418
0511	1-2412	0-4448	2002	0-5378	0-2826
0512	1-4816	0-4997	2004	0-5669	0-2970
0513	0-7619	0-2629	2007	0-4514	0-2051
0514	1-3096	0-5473	2008	0-2520	0-1205
0516	1-5063	0-5304	2009	0-2807	0-1638
0517	1-6510	0-6797	2101	0-5813	0-2643
0518	1-9184	0-5365	2102	0-3815	0-2122
0519	1-8909	0-7171	2104	0-2157	0-1358
0521	1-4291	0-4755	2105	0-5967	0-2422
0601	0-5971	0-2294	2106	0-2938	0-1605
0602	0-4516	0-1728	2201	0-2248	0-1060
0603	0-9792	0-2926	2202	0-4890	0-2433
0604	1-0582	0-4854	2203	0-2899	0-1616
0606	0-2767	0-1511	2204	0-2129	0-1004
0607	0-3588	0-1526	2401	0-3235	0-1977
0608	0-2626	0-1306	2903	0-5774	0-3081
0701	2-4974	0-4790	2904	0-6584	0-3437
0803	0-3504	0-1577	2905	0-4303	0-2356
0901	1-9184	0-5365	2906	0-3282	0-1463
1002	0-7639	0-3433	2907	0-4717	0-2366

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2908	0.8793	0.3852	3909	0.1436	0.0917
2909	0.3658	0.1987	4002	0.9166	0.3348
3101	0.7236	0.2792	4101	0.2160	0.1118
3102	0.2230	0.1134	4103	0.2227	0.1364
3103	0.7667	0.3178	4107	0.1189	0.0660
3104	0.5417	0.1904	4108	0.1468	0.0728
3105	0.7318	0.3418	4109	0.1999	0.1074
3303	0.2251	0.1205	4201	0.4525	0.1518
3304	0.4615	0.2676	4301	0.6507	0.3593
3309	0.3293	0.1871	4302	0.5417	0.2179
3402	0.3921	0.1869	4304	0.6216	0.3142
3403	0.1892	0.0852	4305	0.8822	0.3475
3404	0.3737	0.1962	4401	0.3756	0.1990
3405	0.2161	0.1032	4402	0.6147	0.3191
3406	0.2115	0.1155	4404	0.3501	0.1823
3407	0.3543	0.1584	4501	0.1209	0.0713
3408	0.1022	0.0549	4502	0.0388	0.0211
3409	0.0896	0.0521	4504	0.0761	0.0512
3410	0.1656	0.1127	4601	0.5567	0.2881
3411	0.3697	0.1651	4802	0.1956	0.1041
3412	0.3910	0.1668	4803	0.1647	0.1020
3413	0.4638	0.2137	4804	0.4430	0.2581
3414	0.4553	0.2106	4805	0.2582	0.1406
3415	0.5064	0.2301	4806	0.0472	0.0272
3501	0.8562	0.3604	4808	0.4268	0.1868
3503	0.2067	0.1602	4809	0.2226	0.1261
3506	1.0930	0.2933	4810	0.1075	0.0748
3509	0.3364	0.1845	4811	0.1826	0.1163
3510	0.3685	0.1893	4812	0.2942	0.1458
3511	0.5354	0.2768	4813	0.1514	0.0888
3512	0.3007	0.1925	4900	0.4505	0.1698
3513	0.3685	0.2005	4901	0.0518	0.0233
3602	0.0981	0.0618	4902	0.0684	0.0333
3603	0.4283	0.2295	4903	0.0563	0.0267
3604	1.1141	0.5536	4904	0.0233	0.0141
3605	0.4356	0.2013	4905	0.2339	0.1586
3701	0.2230	0.1134	4906	0.0724	0.0367
3702	0.3745	0.1836	4907	0.0538	0.0290
3707	0.4379	0.2981	4908	0.0600	0.0890
3708	0.3985	0.1997	4909	0.0293	0.0375
3802	0.1497	0.0839	4910	0.3354	0.1794
3808	0.3566	0.1584	5001	5.0974	1.3877
3901	0.1246	0.0908	5002	0.4712	0.2110
3902	0.3378	0.1828	5003	1.5547	0.4681
3903	0.9803	0.5866	5004	1.1885	0.5519
3905	0.1246	0.0908	5005	1.0777	0.3344
3906	0.3952	0.1983	5006	1.5419	0.4746

5101	0.6905	0.3926	6410	0.1474	0.0843
5103	0.6268	0.3820	6501	0.0962	0.0517
5106	0.6268	0.3820	6502	0.0237	0.0134
5108	0.5083	0.2741	6503	0.0679	0.0259
5109	0.6538	0.2649	6504	0.2831	0.2138
5201	0.2988	0.1302	6505	0.0765	0.0551
5204	0.8059	0.3468	6506	0.0702	0.0435
5206	0.4505	0.1698	6508	0.2839	0.1657
5207	0.1224	0.0905	6509	0.2175	0.1367
5208	0.7941	0.3516	6510	0.2925	0.1685
5209	0.6687	0.3001	6511	0.2925	0.1685
5301	0.0272	0.0154	6601	0.1457	0.0959
5305	0.0415	0.0254	6602	0.3823	0.2063
5306	0.0391	0.0220	6603	0.2920	0.1548
5307	0.3216	0.1426	6604	0.0497	0.0323
6103	0.0559	0.0411	6605	0.2233	0.1878
6104	0.2279	0.1315	6607	0.1281	0.0789
6105	0.1706	0.0856	6608	0.3166	0.1185
6107	0.0834	0.0615	6614	642.0000*	432.0000*
6108	0.3524	0.2233	6615	236.0000*	158.0000*
6109	0.0612	0.0312	6616	200.0000*	134.0000*
6110	0.3495	0.1773	6617	71.0000*	48.0000*
6201	0.2944	0.1195	6618	89.0000*	60.0000*
6202	0.5352	0.2814	6620	1.4333	0.6288
6203	0.0563	0.0450	6704	0.0976	0.0572
6204	0.1244	0.0818	6705	0.5642	0.4053
6205	0.1818	0.1062	6706	0.2936	0.2089
6206	0.1574	0.0923	6707	1.3170	0.8361
6207	0.9789	0.7988	6708	4.5520	3.6000
6208	0.1943	0.1610	6709	0.1473	0.1088
6209	0.1950	0.1304	6801	0.2491	0.1103
6301	0.1365	0.0528	6802	0.3230	0.2157
6302	0.1398	0.0802	6803	0.8957	0.2366
6303	0.0604	0.0326	6804	0.1857	0.0971
6304	0.1737	0.1221	6809	3.3699	2.8255
6305	0.0628	0.0416	6901	0.0000	0.0464
6306	0.2153	0.1189	6902	0.8703	0.2499
6308	0.0472	0.0258	6903	5.1134	1.3322
6309	0.1271	0.0793	6904	0.2155	0.0976
6402	0.2376	0.1230	6905	0.2545	0.1260
6403	0.1474	0.0999	6906	0.0000	0.1260
6404	0.1529	0.0982	6907	1.0104	0.4501
6405	0.5284	0.2453	6908	0.4571	0.2141
6406	0.0581	0.0393	6909	0.0893	0.0506
6407	0.1880	0.1115	7002	0.0000	0.0000
6408	0.2845	0.1457	7101	0.0254	0.0143
6409	0.4638	0.2137	7102	2.2096	2.5571

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7103	0.3072	0.1307	0301	0.5386	0.2638
7104	0.0199	0.0135	0302	2.2052	0.5609
7105	0.0197	0.0129	0303	2.0698	0.5970
7106	0.1296	0.0719	0306	1.0694	0.3290
7107	0.2133	0.1276	0307	0.7365	0.2889
7108	0.1583	0.1155	0308	0.4889	0.2486
7109	0.1232	0.0867	0403	1.4257	0.6283
7110	0.2981	0.1235	0502	1.5158	0.4691
7111	0.3503	0.1912	0504	1.4086	0.5132
7112	0.5197	0.2596	0506	4.2577	1.4303
7113	0.5302	0.2529	0507	3.2528	1.1692
7114	0.5520	0.4031	0508	3.2905	0.9007
7115	0.4436	0.2438	0509	1.9403	0.5744
7116	0.4249	0.2276	0510	1.4622	0.5360
7117	0.8839	0.5078	0511	1.3130	0.4677
7118	1.4517	0.7396	0512	1.3244	0.4755
7119	1.7754	0.7946	0513	0.7452	0.2605
7120	4.3170	2.2787	0514	1.1920	0.5367
7121	4.5816	2.2210	0516	1.4622	0.5360
7201	1.0205	0.3646	0517	1.5787	0.6686
7202	0.0389	0.0190	0518	1.7400	0.5167
7203	0.0905	0.0708	0519	1.7700	0.6973
7204	0.0000	0.0000	0521	1.2547	0.4422
7301	0.5283	0.2247	0601	0.5556	0.2174
7302	0.5680	0.3184	0602	0.4468	0.1808
7307	0.4746	0.2869	0603	0.9189	0.2823
7308	0.1686	0.1315	0604	0.9710	0.4662
7309	0.1473	0.1088))	0606	0.2812	0.1638
			0607	0.3519	0.1535
			0608	0.2497	0.1231
			0701	2.3470	0.4721
			0803	0.3611	0.1662
			0901	1.7400	0.5167
			1002	0.8033	0.3641
			1003	0.7624	0.3790
			1004	0.4858	0.1988
			1005	6.6700	1.9655
			1007	0.3400	0.1308
			1101	0.4888	0.2500
			1102	1.2820	0.4622
			1103	0.7271	0.3044
			1104	0.3456	0.2127
			1105	0.7534	0.3523
			1106	0.2639	0.1679
			1108	0.4156	0.2164
			1109	0.7450	0.4047
			1301	0.4355	0.1955

Base Rates Effective  
January 1, 2000

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.4810	0.4577
0103	1.8262	0.6143
0104	1.0473	0.3386
0105	1.1778	0.5060
0107	1.2067	0.3948
0108	1.0473	0.3386
0112	0.6448	0.2465
0201	2.9857	0.8855
0202	2.9857	0.8855
0210	0.9985	0.3136
0212	0.9109	0.2982
0214	1.1713	0.3871
0217	1.1911	0.4198
0219	1.0819	0.3771

<u>1303</u>	<u>0.1571</u>	<u>0.0750</u>	<u>3405</u>	<u>0.2110</u>	<u>0.1076</u>
<u>1304</u>	<u>0.0201</u>	<u>0.0110</u>	<u>3406</u>	<u>0.2045</u>	<u>0.1140</u>
<u>1305</u>	<u>0.3350</u>	<u>0.1775</u>	<u>3407</u>	<u>0.3728</u>	<u>0.1622</u>
<u>1401</u>	<u>0.4982</u>	<u>0.2566</u>	<u>3408</u>	<u>0.1053</u>	<u>0.0566</u>
<u>1404</u>	<u>0.4682</u>	<u>0.2141</u>	<u>3409</u>	<u>0.0885</u>	<u>0.0537</u>
<u>1405</u>	<u>0.3274</u>	<u>0.1749</u>	<u>3410</u>	<u>0.1620</u>	<u>0.1136</u>
<u>1501</u>	<u>0.3981</u>	<u>0.1785</u>	<u>3411</u>	<u>0.3758</u>	<u>0.1700</u>
<u>1507</u>	<u>0.4046</u>	<u>0.1830</u>	<u>3412</u>	<u>0.4089</u>	<u>0.1784</u>
<u>1701</u>	<u>0.6762</u>	<u>0.2890</u>	<u>3414</u>	<u>0.4443</u>	<u>0.2116</u>
<u>1702</u>	<u>1.8518</u>	<u>0.5635</u>	<u>3415</u>	<u>0.5281</u>	<u>0.2497</u>
<u>1703</u>	<u>0.4091</u>	<u>0.1393</u>	<u>3501</u>	<u>0.8237</u>	<u>0.3608</u>
<u>1704</u>	<u>0.6762</u>	<u>0.2890</u>	<u>3503</u>	<u>0.2027</u>	<u>0.1552</u>
<u>1801</u>	<u>0.7950</u>	<u>0.3095</u>	<u>3506</u>	<u>1.0885</u>	<u>0.2990</u>
<u>1802</u>	<u>0.6686</u>	<u>0.3011</u>	<u>3509</u>	<u>0.3232</u>	<u>0.1857</u>
<u>2002</u>	<u>0.5340</u>	<u>0.3009</u>	<u>3510</u>	<u>0.3309</u>	<u>0.1816</u>
<u>2004</u>	<u>0.5687</u>	<u>0.3193</u>	<u>3511</u>	<u>0.5212</u>	<u>0.2697</u>
<u>2007</u>	<u>0.4276</u>	<u>0.1980</u>	<u>3512</u>	<u>0.3033</u>	<u>0.1928</u>
<u>2008</u>	<u>0.2457</u>	<u>0.1223</u>	<u>3513</u>	<u>0.3650</u>	<u>0.2059</u>
<u>2009</u>	<u>0.2635</u>	<u>0.1682</u>	<u>3602</u>	<u>0.0918</u>	<u>0.0579</u>
<u>2101</u>	<u>0.6212</u>	<u>0.2961</u>	<u>3603</u>	<u>0.4186</u>	<u>0.2302</u>
<u>2102</u>	<u>0.3743</u>	<u>0.2102</u>	<u>3604</u>	<u>0.9976</u>	<u>0.5332</u>
<u>2104</u>	<u>0.2116</u>	<u>0.1422</u>	<u>3605</u>	<u>0.4214</u>	<u>0.2020</u>
<u>2105</u>	<u>0.5992</u>	<u>0.2613</u>	<u>3701</u>	<u>0.2030</u>	<u>0.1068</u>
<u>2106</u>	<u>0.2858</u>	<u>0.1620</u>	<u>3702</u>	<u>0.3490</u>	<u>0.1860</u>
<u>2201</u>	<u>0.2216</u>	<u>0.1079</u>	<u>3708</u>	<u>0.4216</u>	<u>0.2095</u>
<u>2202</u>	<u>0.4816</u>	<u>0.2378</u>	<u>3802</u>	<u>0.1108</u>	<u>0.0793</u>
<u>2203</u>	<u>0.2920</u>	<u>0.1725</u>	<u>3808</u>	<u>0.3565</u>	<u>0.1684</u>
<u>2204</u>	<u>0.2216</u>	<u>0.1079</u>	<u>3901</u>	<u>0.1183</u>	<u>0.0891</u>
<u>2401</u>	<u>0.3079</u>	<u>0.1902</u>	<u>3902</u>	<u>0.3053</u>	<u>0.1743</u>
<u>2903</u>	<u>0.5289</u>	<u>0.2997</u>	<u>3903</u>	<u>0.9482</u>	<u>0.5856</u>
<u>2904</u>	<u>0.6471</u>	<u>0.3356</u>	<u>3905</u>	<u>0.1183</u>	<u>0.0891</u>
<u>2905</u>	<u>0.4016</u>	<u>0.2299</u>	<u>3906</u>	<u>0.3595</u>	<u>0.1892</u>
<u>2906</u>	<u>0.3143</u>	<u>0.1497</u>	<u>3909</u>	<u>0.1376</u>	<u>0.0924</u>
<u>2907</u>	<u>0.4442</u>	<u>0.2338</u>	<u>4002</u>	<u>0.9376</u>	<u>0.3490</u>
<u>2908</u>	<u>0.8738</u>	<u>0.3957</u>	<u>4101</u>	<u>0.2163</u>	<u>0.1133</u>
<u>2909</u>	<u>0.3347</u>	<u>0.1877</u>	<u>4103</u>	<u>0.2180</u>	<u>0.1434</u>
<u>3101</u>	<u>0.6838</u>	<u>0.2725</u>	<u>4107</u>	<u>0.1152</u>	<u>0.0622</u>
<u>3102</u>	<u>0.2030</u>	<u>0.1068</u>	<u>4108</u>	<u>0.1400</u>	<u>0.0722</u>
<u>3103</u>	<u>0.6897</u>	<u>0.3074</u>	<u>4109</u>	<u>0.1969</u>	<u>0.1081</u>
<u>3104</u>	<u>0.5334</u>	<u>0.2092</u>	<u>4201</u>	<u>0.4860</u>	<u>0.1659</u>
<u>3105</u>	<u>0.6753</u>	<u>0.3453</u>	<u>4301</u>	<u>0.6183</u>	<u>0.3550</u>
<u>3303</u>	<u>0.2316</u>	<u>0.1282</u>	<u>4302</u>	<u>0.5121</u>	<u>0.2198</u>
<u>3304</u>	<u>0.4488</u>	<u>0.2646</u>	<u>4304</u>	<u>0.6042</u>	<u>0.3201</u>
<u>3309</u>	<u>0.3224</u>	<u>0.1870</u>	<u>4305</u>	<u>0.9220</u>	<u>0.3592</u>
<u>3402</u>	<u>0.3658</u>	<u>0.1845</u>	<u>4401</u>	<u>0.3513</u>	<u>0.1956</u>
<u>3403</u>	<u>0.1772</u>	<u>0.0830</u>	<u>4402</u>	<u>0.5945</u>	<u>0.3142</u>
<u>3404</u>	<u>0.3761</u>	<u>0.1989</u>	<u>4404</u>	<u>0.3177</u>	<u>0.1750</u>

PROPOSED

<u>4501</u>	<u>0.1220</u>	<u>0.0731</u>	<u>6103</u>	<u>0.0547</u>	<u>0.0412</u>
<u>4502</u>	<u>0.0382</u>	<u>0.0214</u>	<u>6104</u>	<u>0.2342</u>	<u>0.1404</u>
<u>4504</u>	<u>0.0735</u>	<u>0.0505</u>	<u>6105</u>	<u>0.1654</u>	<u>0.0865</u>
<u>4601</u>	<u>0.5386</u>	<u>0.2885</u>	<u>6107</u>	<u>0.0797</u>	<u>0.0609</u>
<u>4802</u>	<u>0.1821</u>	<u>0.1003</u>	<u>6108</u>	<u>0.3101</u>	<u>0.2127</u>
<u>4803</u>	<u>0.1588</u>	<u>0.1028</u>	<u>6109</u>	<u>0.0596</u>	<u>0.0313</u>
<u>4804</u>	<u>0.4376</u>	<u>0.2549</u>	<u>6110</u>	<u>0.3336</u>	<u>0.1821</u>
<u>4805</u>	<u>0.2333</u>	<u>0.1386</u>	<u>6201</u>	<u>0.2958</u>	<u>0.1227</u>
<u>4806</u>	<u>0.0433</u>	<u>0.0264</u>	<u>6202</u>	<u>0.5296</u>	<u>0.2996</u>
<u>4808</u>	<u>0.3935</u>	<u>0.1873</u>	<u>6203</u>	<u>0.0543</u>	<u>0.0466</u>
<u>4809</u>	<u>0.2231</u>	<u>0.1332</u>	<u>6204</u>	<u>0.1214</u>	<u>0.0793</u>
<u>4810</u>	<u>0.1017</u>	<u>0.0746</u>	<u>6205</u>	<u>0.1820</u>	<u>0.1050</u>
<u>4811</u>	<u>0.1813</u>	<u>0.1162</u>	<u>6206</u>	<u>0.1589</u>	<u>0.0935</u>
<u>4812</u>	<u>0.2852</u>	<u>0.1460</u>	<u>6207</u>	<u>0.9702</u>	<u>0.8076</u>
<u>4813</u>	<u>0.1369</u>	<u>0.0816</u>	<u>6208</u>	<u>0.1820</u>	<u>0.1583</u>
<u>4900</u>	<u>0.4065</u>	<u>0.1652</u>	<u>6209</u>	<u>0.1844</u>	<u>0.1302</u>
<u>4901</u>	<u>0.0554</u>	<u>0.0259</u>	<u>6301</u>	<u>0.1303</u>	<u>0.0516</u>
<u>4902</u>	<u>0.0695</u>	<u>0.0342</u>	<u>6302</u>	<u>0.1337</u>	<u>0.0800</u>
<u>4903</u>	<u>0.0575</u>	<u>0.0282</u>	<u>6303</u>	<u>0.0584</u>	<u>0.0323</u>
<u>4904</u>	<u>0.0228</u>	<u>0.0138</u>	<u>6304</u>	<u>0.1693</u>	<u>0.1273</u>
<u>4905</u>	<u>0.2364</u>	<u>0.1665</u>	<u>6305</u>	<u>0.0623</u>	<u>0.0441</u>
<u>4906</u>	<u>0.0708</u>	<u>0.0369</u>	<u>6306</u>	<u>0.2000</u>	<u>0.1154</u>
<u>4907</u>	<u>0.0493</u>	<u>0.0275</u>	<u>6308</u>	<u>0.0443</u>	<u>0.0254</u>
<u>4908</u>	<u>0.0625</u>	<u>0.0912</u>	<u>6309</u>	<u>0.1223</u>	<u>0.0785</u>
<u>4909</u>	<u>0.0291</u>	<u>0.0379</u>	<u>6402</u>	<u>0.2307</u>	<u>0.1256</u>
<u>4910</u>	<u>0.3193</u>	<u>0.1804</u>	<u>6403</u>	<u>0.1312</u>	<u>0.0927</u>
<u>5001</u>	<u>4.9973</u>	<u>1.4029</u>	<u>6404</u>	<u>0.1445</u>	<u>0.0972</u>
<u>5002</u>	<u>0.4594</u>	<u>0.2129</u>	<u>6405</u>	<u>0.4945</u>	<u>0.2414</u>
<u>5003</u>	<u>1.4897</u>	<u>0.4589</u>	<u>6406</u>	<u>0.0558</u>	<u>0.0385</u>
<u>5004</u>	<u>1.0828</u>	<u>0.5182</u>	<u>6407</u>	<u>0.1836</u>	<u>0.1125</u>
<u>5005</u>	<u>0.9198</u>	<u>0.2971</u>	<u>6408</u>	<u>0.2677</u>	<u>0.1429</u>
<u>5006</u>	<u>1.5668</u>	<u>0.5027</u>	<u>6409</u>	<u>0.4427</u>	<u>0.2154</u>
<u>5101</u>	<u>0.7194</u>	<u>0.3975</u>	<u>6410</u>	<u>0.1609</u>	<u>0.0922</u>
<u>5103</u>	<u>0.6000</u>	<u>0.3818</u>	<u>6501</u>	<u>0.0962</u>	<u>0.0539</u>
<u>5106</u>	<u>0.6000</u>	<u>0.3818</u>	<u>6502</u>	<u>0.0227</u>	<u>0.0133</u>
<u>5108</u>	<u>0.5495</u>	<u>0.3058</u>	<u>6503</u>	<u>0.0660</u>	<u>0.0267</u>
<u>5109</u>	<u>0.6137</u>	<u>0.2556</u>	<u>6504</u>	<u>0.2662</u>	<u>0.2143</u>
<u>5201</u>	<u>0.2842</u>	<u>0.1337</u>	<u>6505</u>	<u>0.0719</u>	<u>0.0547</u>
<u>5204</u>	<u>0.7497</u>	<u>0.3395</u>	<u>6506</u>	<u>0.0676</u>	<u>0.0442</u>
<u>5206</u>	<u>0.4065</u>	<u>0.1652</u>	<u>6509</u>	<u>0.2173</u>	<u>0.1419</u>
<u>5207</u>	<u>0.1185</u>	<u>0.0891</u>	<u>6510</u>	<u>0.2701</u>	<u>0.1518</u>
<u>5208</u>	<u>0.6897</u>	<u>0.3322</u>	<u>6511</u>	<u>0.2628</u>	<u>0.1707</u>
<u>5209</u>	<u>0.6450</u>	<u>0.2979</u>	<u>6601</u>	<u>0.1411</u>	<u>0.0927</u>
<u>5301</u>	<u>0.0265</u>	<u>0.0153</u>	<u>6602</u>	<u>0.3517</u>	<u>0.2001</u>
<u>5305</u>	<u>0.0423</u>	<u>0.0264</u>	<u>6603</u>	<u>0.2948</u>	<u>0.1646</u>
<u>5306</u>	<u>0.0385</u>	<u>0.0223</u>	<u>6604</u>	<u>0.0471</u>	<u>0.0321</u>
<u>5307</u>	<u>0.3314</u>	<u>0.1505</u>	<u>6605</u>	<u>0.2050</u>	<u>0.1830</u>

<u>6607</u>	<u>0.1360</u>	<u>0.0847</u>	<u>7119</u>	<u>1.6938</u>	<u>0.8014</u>
<u>6608</u>	<u>0.3576</u>	<u>0.1349</u>	<u>7120</u>	<u>4.3145</u>	<u>2.3371</u>
<u>6614</u>	<u>705.0000*</u>	<u>638.0000*</u>	<u>7121</u>	<u>4.4322</u>	<u>2.2277</u>
<u>6615</u>	<u>258.0000*</u>	<u>235.0000*</u>	<u>7201</u>	<u>1.0542</u>	<u>0.3890</u>
<u>6616</u>	<u>219.0000*</u>	<u>199.0000*</u>	<u>7202</u>	<u>0.0352</u>	<u>0.0173</u>
<u>6617</u>	<u>78.0000*</u>	<u>71.0000*</u>	<u>7203</u>	<u>0.0871</u>	<u>0.0689</u>
<u>6618</u>	<u>98.0000*</u>	<u>89.0000*</u>	<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>6620</u>	<u>1.7802</u>	<u>0.8015</u>	<u>7301</u>	<u>0.5007</u>	<u>0.2264</u>
<u>6704</u>	<u>0.0947</u>	<u>0.0572</u>	<u>7302</u>	<u>0.5828</u>	<u>0.3244</u>
<u>6705</u>	<u>0.5606</u>	<u>0.4042</u>	<u>7307</u>	<u>0.4416</u>	<u>0.2803</u>
<u>6706</u>	<u>0.2828</u>	<u>0.2070</u>	<u>7308</u>	<u>0.1698</u>	<u>0.1426</u>
<u>6707</u>	<u>1.2593</u>	<u>0.8374</u>	<u>7309</u>	<u>0.1444</u>	<u>0.1087</u>
<u>6708</u>	<u>4.7253</u>	<u>3.8209</u>			
<u>6709</u>	<u>0.1444</u>	<u>0.1087</u>			
<u>6801</u>	<u>0.2634</u>	<u>0.1169</u>			
<u>6802</u>	<u>0.3198</u>	<u>0.2141</u>			
<u>6803</u>	<u>0.7992</u>	<u>0.2560</u>			
<u>6804</u>	<u>0.1818</u>	<u>0.1020</u>			
<u>6809</u>	<u>3.4753</u>	<u>2.9677</u>			
<u>6901</u>	<u>0.0000</u>	<u>0.0509</u>			
<u>6902</u>	<u>0.8522</u>	<u>0.2676</u>			
<u>6903</u>	<u>5.7734</u>	<u>1.5612</u>			
<u>6904</u>	<u>0.2367</u>	<u>0.1021</u>			
<u>6905</u>	<u>0.2683</u>	<u>0.1267</u>			
<u>6906</u>	<u>0.0000</u>	<u>0.1267</u>			
<u>6907</u>	<u>0.9736</u>	<u>0.4491</u>			
<u>6908</u>	<u>0.4520</u>	<u>0.2161</u>			
<u>6909</u>	<u>0.0853</u>	<u>0.0495</u>			
<u>7100</u>	<u>0.0245</u>	<u>0.0142</u>			
<u>7101</u>	<u>0.0245</u>	<u>0.0142</u>			
<u>7102</u>	<u>2.1935</u>	<u>2.5663</u>			
<u>7103</u>	<u>0.3105</u>	<u>0.1370</u>			
<u>7104</u>	<u>0.0191</u>	<u>0.0133</u>			
<u>7105</u>	<u>0.0191</u>	<u>0.0129</u>			
<u>7106</u>	<u>0.1261</u>	<u>0.0748</u>			
<u>7107</u>	<u>0.2070</u>	<u>0.1303</u>			
<u>7108</u>	<u>0.1596</u>	<u>0.1226</u>			
<u>7109</u>	<u>0.1137</u>	<u>0.0828</u>			
<u>7110</u>	<u>0.3177</u>	<u>0.1368</u>			
<u>7111</u>	<u>0.3513</u>	<u>0.1871</u>			
<u>7112</u>	<u>0.5100</u>	<u>0.2670</u>			
<u>7113</u>	<u>0.4915</u>	<u>0.2584</u>			
<u>7114</u>	<u>0.5173</u>	<u>0.3846</u>			
<u>7115</u>	<u>0.4267</u>	<u>0.2441</u>			
<u>7116</u>	<u>0.4110</u>	<u>0.2306</u>			
<u>7117</u>	<u>0.8468</u>	<u>0.4927</u>			
<u>7118</u>	<u>1.1730</u>	<u>0.6017</u>			

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**AMENDATORY SECTION** (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.** The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective January 1, ((1999)) 2000			
Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0524	((0.0149)) <u>0.0161</u>	((0.0042)) <u>0.0048</u>	0.0004
0526	((0.0093)) <u>0.0094</u>	((0.0025)) <u>0.0027</u>	0.0004
0527	0.0007	0.0002	0.0001
0528	((0.0024)) <u>0.0023</u>	0.0007	0.0001
0529	((0.0016)) <u>0.0015</u>	0.0004	0.0001
0530	((0.0216)) <u>0.0227</u>	((0.0058)) <u>0.0065</u>	0.0004
0531	((0.0142)) <u>0.0132</u>	((0.0038)) <u>0.0036</u>	0.0004
0532	0.0011	0.0003	0.0001
0533	((0.0036)) <u>0.0035</u>	0.0011	0.0001
0534	((0.0024)) <u>0.0023</u>	0.0007	0.0001

PROPOSED

AMENDATORY SECTION (Amending WSR 98-24-094, filed 12/1/98, effective 1/1/99)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ((24.6)) 28.7 mills (((\$.0246)) \$.0287) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**WSR 99-19-163**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 22, 1999, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-16-111.

Title of Rule: WAC 296-20-01002 Definitions—Medical aid.

Purpose: To state more clearly what health care services are proper and necessary under Title 51 RCW.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

Statute Being Implemented: RCW 51.36.010.

Summary: This proposed change will (1) clarify the existing rule which defines the treatment the department and self-insurer will pay for under the Industrial Insurance Act, Title 51 RCW and (2) list the definitions in this section alphabetically.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4941; Implementation: Gary Franklin, MD, Medical Director, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-5020; and Enforcement: Doug Connell, Assistant Director, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4209.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed language describes more clearly treatment limitations that already exist under the Industrial Insurance Act, Title 51 RCW. This amended definition will provide clarification on the meaning of curative and rehabilitative treatment and maximum medical improvement. In addition, we use the term "proper and necessary" health care services to be more consistent with RCW 51.36.010.

This rule change should make is easier for doctors, employers, and workers to understand what health care services are available to workers injured in the course of their employment.

Proposal Changes the Following Existing Rules: This proposal amends WAC 296-20-01002 in the following ways: Renames the definition of "medically necessary" to "proper and necessary," clarifies, within this definition, what is meant by curative and rehabilitative treatment, replaces the term "medically necessary" with "proper and necessary" where it appears in definitions in WAC 296-20-01002, and alphabetizes all the definitions in this section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change has little or no impact on business. A discussion of economic impact memorandum has been prepared.

RCW 34.05.328 does not apply to this rule adoption. In accordance with Executive Order 97-02, this proposed rule clarifies the existing rule which defines the treatment that the department and self-insurers will pay for under the Industrial Insurance Act, Title 51 RCW. The proposed rule does not change the effect of the current rule. Therefore, RCW 34.05.328 does not apply. RCW 34.05.328 (5)(b)(iv).

Hearing Location: On October 26, 1999, at 1:00 p.m., to facilitate public involvement, the public rules hearing will be held simultaneously at four different locations across the state. Participants will be able to see and hear each other via a state-wide video telecommunications system.

Addresses for the four locations:

**Lacey Site**

Department of Information Services (DIS)  
 710 Sleater-Kinney Road S.E., Suite Q  
 Lacey, WA 98504-2445  
 (360) 407-9487

**Seattle Site**

1107 S.W. Grady Way, Suite 112  
 Renton, WA 98055  
 (425) 277-7290

**Spokane Site**

Washington Interactive Technologies  
 1101 North Argonne, Suite 109  
 Spokane, WA 99201  
 (509) 921-2371

**Yakima Site**

Yesterday's Village  
 15 West Yakima Avenue, Suite 220  
 Yakima, WA 98902  
 (509) 454-7878

Assistance for Persons with Disabilities: Contact Jami Lifka by phone (360) 902-4941, fax (360) 902-4249, or TDD 1-800-833-6388.

Submit Written Comments to: Jami Lifka, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, fax (360) 902-4249, by November 3, 1999.



Date of Intended Adoption: December 7, 1999.

September 22, 1999

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 95-16-031, filed 7/21/95, effective 8/22/95)

**WAC 296-20-01002 Definitions.** (~~Termination of treatment~~: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

~~Unusual or unlisted procedure~~: Value of unlisted services or procedures should be substantiated "by report" (BR).

~~"By report"~~: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

~~"Independent or separate procedure"~~: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

**Chart notes**: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X-rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

**Attending doctor report**: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed:

- (1) The condition(s) diagnosed including ICD-9 CM codes and the objective and subjective findings.
- (2) Their relationship, if any, to the industrial injury or exposure.
- (3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.
- (4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.
- (5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

**Consultation examination report**: The following information must be included in this type of report. Additional information may be requested by the department as needed:

- (1) A detailed history to establish:
  - (a) The type and severity of the industrial injury or occupational disease;
  - (b) The patient's previous physical and mental health;
  - (c) Any social and emotional factors which may effect recovery;
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam:

PROPOSED

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable x-ray and laboratory studies to establish or confirm the diagnosis when indicated.

**Bundled codes:** When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

**Fee schedules or maximum fee schedule(s):** The fee schedules consist of, but are not limited to the following:

(a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent of allowed charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

**Average wholesale price (AWP):** A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

**Baseline price (BLP):** Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline

price" is a drug pricing mechanism developed and updated by First Data Bank.

**Medical aid rules:** The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

**Modified work status:** The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

**Regular work status:** The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

**Total temporary disability:** Full time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

**Temporary partial disability:** Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary.

**All time loss compensation must be certified by the attending doctor based on objective findings.**

**Permanent partial disability:** Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of

extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. ~~Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.~~

**Total permanent disability:** Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

**Fatal:** When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

**Doctor:** For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

**Health services provider or provider:** For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals; medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

**Practitioner:** For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

**Physician:** For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

**Acceptance, accepted condition:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative

treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

**Authorization:** Notification by a qualified representative of the department or self-insurer that specific medically necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

**Medically necessary:** Those health services are medically necessary which, in the opinion of the director or his or her designee, are:

(a) Proper and necessary for the diagnosis and curative or rehabilitative treatment of an accepted condition; and  
(b) Reflective of accepted standards of good practice within the scope of the provider's license or certification; and  
(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered medically necessary. Services which are controversial, obsolete, experimental, or investigational are presumed not to be medically necessary, and shall be authorized only as provided in WAC 296-20-03002(6).

**Utilization review:** The assessment of a claimant's medical care to assure that it is medically necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

**Emergency hospital admission:** Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

**Nonemergency (elective) hospital admission:** Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

**Attendant care:** Those personal care services that assist a worker with dressing, feeding, and personal hygiene to facilitate self care and are provided in order to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by but are not limited to, registered nurses, licensed practical nurses, registered nursing assistants, and other individuals such as family members.

**Home nursing:** Those nursing services that are medically necessary to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by but

are not limited to, home health care, and hospice agencies on either an hourly or intermittent basis.) **Acceptance, accepted condition:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

**Attendant care:** Those personal care services that assist a worker with dressing, feeding, and personal hygiene to facilitate self-care and are provided in order to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by, but are not limited to, registered nurses, licensed practical nurses, registered nursing assistants, and other individuals such as family members.

**Attending doctor report:** This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

**Authorization:** Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

**Average wholesale price (AWP):** A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an indus-

try benchmark which is developed independently by companies that specifically monitor drug pricing.

**Baseline price (BLP):** Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

**Bundled codes:** When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

**By report:** BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;

(5) Estimated follow-up;

(6) Operative time;

(7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

**Chart notes:** This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

(1) Date(s) of service;

(2) Patient's name and date of birth;

(3) Claim number;

(4) Name and title of the person performing the service;

(5) Chief complaint or reason for each visit;

(6) Pertinent medical history;

(7) Pertinent findings on examination;

(8) Medications and/or equipment/supplies prescribed or provided;

(9) Description of treatment (when applicable);

(10) Recommendations for additional treatments, procedures, or consultations;

(11) X-rays, tests, and results; and

(12) Plan of treatment/care/outcome.

**Consultation examination report:** The following information must be included in this type of report. Additional information may be requested by the department as needed.

(1) A detailed history to establish:

(a) The type and severity of the industrial injury or occupational disease.

(b) The patient's previous physical and mental health.

(c) Any social and emotional factors which may effect recovery.

(2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed;

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

**Doctor:** For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

**Emergent hospital admission:** Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

**Fatal:** When the attending doctor has reason to believe a worker has died as a result of an industrial injury or expo-

sure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

**Fee schedules or maximum fee schedule(s):** The fee schedules consist of, but are not limited to, the following:

(a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

**Health services provider or provider:** For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

**Home nursing:** Those nursing services that are proper and necessary to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by, but are not limited to, home health care, and hospice agencies on either an hourly or intermittent basis.

**Independent or separate procedure:** Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

**Medical aid rules:** The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

**Modified work status:** The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limita-

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tions and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

**Nonemergent (elective) hospital admission:** Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

**Permanent partial disability:** Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. **Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.**

**Physician:** For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

**Practitioner:** For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

**Proper and necessary:**

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) "Proper and necessary" refers to those health care services under Title 51 RCW which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license, certification and training;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or ameliorate an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering

accepted condition. Curative and rehabilitative care produce long-term changes:

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider;

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition; and

(e) Concluded once a worker has reached a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(3) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

**Regular work status:** The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

**Temporary partial disability:** Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

**Termination of treatment:** When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

**Total permanent disability:** Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and perma-

nently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

**Total temporary disability:** Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

**Unusual or unlisted procedure:** Value of unlisted services or procedures should be substantiated "by report" (BR).

**Utilization review:** The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

**WSR 99-19-164**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 22, 1999, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-142.

Title of Rule: Chapter 296-20 WAC, General rules—Medical aid rules; drugs and medication.

Purpose: The purpose of this rule is to clearly describe which drugs are a covered benefit on claims for injured and ill workers and victims of crime.

Statutory Authority for Adoption: RCW 51.04.020(4), 51.04.030.

Statute Being Implemented: RCW 51.04.020(4), 51.04.030.

Summary: This rule includes the following information on drugs and medication - general coverage rules, specific limitations on individual drugs, reference to the department's outpatient drug formulary, documentation requirements, and expanded sections for workers with cancer, spinal cord injuries or chronic, noncancer pain.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4941; Implementation: Gary Franklin, MD, Medical Director, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-5020; and Enforcement: Doug Connell, Assistant Director, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4209.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed language clearly describes the department's coverage rules on drugs and medication. It includes

general coverage rules, specific limitations, information on the department's outpatient drug formulary, documentation requirements, and expanded sections on drug coverage for workers with cancer, spinal cord injuries, or chronic, noncancer pain. Obsolete drug information has been deleted to make the coverage rules more consistent with prescribing practices in the state of Washington. The purpose is to give health care providers a better understanding of what medications the department of self-insurer will pay for before a prescription is written.

Since the drug coverage rules will be easier to understand and more up-to-date, it is anticipated that health care providers will have an easier time voluntarily complying.

Proposal Changes the Following Existing Rules: These new WAC sections will replace WAC 296-20-03003 Drugs and medication and 296-20-030 (7), (8), and (9) Treatment not requiring authorization for accepted conditions.

Specific changes include rewritten, clearer language in response to Executive Order 97-02; removal of obsolete drug information; expanded coverage for injectable drugs; expanded coverage for opioids to treat chronic, noncancer pain; and specific exceptions for patients with cancer or spinal cord injuries.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change has little or no impact on business. A discussion of economic impact memorandum has been prepared.

RCW 34.05.328 applies to this rule adoption. The rule is being proposed by the Department of Labor and Industries and will make significant amendments to existing regulations on drug coverage.

Hearing Location: On October 26, 1999, at 1:00 p.m., to facilitate public involvement, the public rules hearing will be held simultaneously at four different locations across the state. Participants will be able to see and hear each other via a state-wide video telecommunications system.

Addresses for the four locations:

**Lacey Site**

Department of Information Services (DIS)  
710 Sleater-Kinney Road S.E., Suite Q  
Lacey, WA 98504-2445  
(360) 407-9487

**Seattle Site**

1107 S.W. Grady Way, Suite 112  
Renton, WA 98055  
(425) 277-7290

**Spokane Site**

Washington Interactive Technologies  
1101 North Argonne, Suite 109  
Spokane, WA 99201  
(509) 921-2371

**Yakima Site**

Yesterday's Village  
15 West Yakima Avenue, Suite 220  
Yakima, WA 98902  
(509) 454-7878

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Assistance for Persons with Disabilities: Contact Jami Lifka by phone (360) 902-4941, fax (360) 902-4249, or TDD 1-800-833-6388.

Submit Written Comments to: Jami Lifka, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, fax (360) 902-4249, by November 3, 1999.

Date of Intended Adoption: December 7, 1999.

September 22, 1999

Gary Moore  
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-20-030 Treatment not requiring authorization for accepted conditions.** (1) A maximum of twenty office calls for the treatment of the industrial condition, during the first sixty days, following injury. Subsequent office calls must be authorized. Reports of treatment rendered must be filed at sixty day intervals to include number of office visits to date. See chapter 296-20 WAC and department policies for report requirements and further information.

(2) Initial diagnostic x-rays necessary for evaluation and treatment of the industrial injury or condition. See WAC 296-20-121 for further information.

(3) The first twelve physical therapy treatments as provided by chapters 296-21, 296-23, and 296-23A WAC, upon consultation by the attending doctor or under his direct supervision. Additional physical therapy treatment must be authorized and the request substantiated by evidence of improvement. In no case will the department or self-insurer pay for inpatient hospitalization of a claimant to receive physical therapy treatment only. USE OF DIAPULSE, THERMATIC (standard model only), SPECTROWAVE AND SUPERPULSE MACHINES AND IONTOPHORESIS IS NOT AUTHORIZED FOR WORKERS ENTITLED TO BENEFITS UNDER THE INDUSTRIAL INSURANCE ACT.

(4) Routine laboratory studies reasonably necessary for diagnosis and/or treatment of the industrial condition. Other special laboratory studies require authorization.

(5) Routine standard treatment measures rendered on an emergency basis or in connection with minor injuries not otherwise requiring authorization.

(6) Consultation with specialist when indicated. See WAC 296-20-051 for consultation guidelines.

(7) ~~((Non)scheduled drugs and medications during the acute phase of treatment for the industrial injury or condition.~~

~~(8) Scheduled drugs and other medications known to be addictive, habit forming or dependency inducing may be prescribed in quantities sufficient for treatment for a maximum of twenty one days. If drug therapy extends beyond thirty days, see WAC 296-20-03003 regarding management.~~

~~(9) Injectable scheduled and other drugs known to be addictive, habit forming, or dependency inducing may be provided only on an in-patient basis. Hospital admission for administration of drugs for relief of chronic pain only will not be allowed.~~

~~((10))) Diagnostic or therapeutic nerve blocks. See WAC 296-20-03001 for restrictions.~~

~~((11))) (8) Intra-articular injections. See WAC 296-20-03001 for restrictions.~~

~~((12))) (9) Myelogram if prior to emergency surgery.~~

#### NEW SECTION

**WAC 296-20-03010 What are the general principles the department uses to determine coverage on drugs and medications?** The department or self-insurer pays for drugs that are deemed proper and necessary to treat the industrial injury or occupational disease accepted under the claim. In general, the department will consider coverage for all FDA approved drugs for stated indications. The department or self-insurer may pay for prescriptions for off label indications when used within current medical standards and prescribed in compliance with published contraindications, precautions and warnings.

#### NEW SECTION

**WAC 296-20-03011 What general limitations are in place for medications?** (1) **Amount dispensed.** The department or self-insurer will pay for no more than a thirty-day supply of a medication dispensed at any one time.

(2) **Over-the-counter drugs.** Prescriptions for over-the-counter items may be paid. Special compounding fees for over-the-counter items are not payable.

(3) **Generic drugs.** Prescriptions are to be written for generic drugs unless the attending physician specifically indicates that substitution is not permitted. For example: The patient cannot tolerate substitution. Pharmacists are instructed to fill with generic drugs unless the attending physician specifically indicates substitution is not permitted.

(4) **Prescriptions for unrelated medical conditions.** The department or self-insurer may consider temporary coverage of prescriptions for conditions not related to the industrial injury when such conditions are retarding recovery. Any treatment for such conditions must have prior authorization per WAC 296-20-055.

(5) **Pension cases.** Once the worker is placed on a pension, the department or self-insurer may pay for only those drugs and medications authorized for continued medical treatment for conditions previously accepted by the department. Authorization for continued medical and surgical treatment is at the sole discretion of the supervisor of industrial insurance and must be authorized before the treatment is rendered. In such pension cases, the department or self-insurer cannot pay for scheduled drugs used to treat continuing pain resulting from an industrial injury or occupational disease.

#### NEW SECTION

**WAC 296-20-03012 Where can I find the department's outpatient drug and medication coverage decisions?** The department's outpatient drug and medication coverage decisions are contained in the department's formulary, as developed by the department in collaboration with the



Washington State Medical Association's Industrial Insurance and Rehabilitation Committee.

In the formulary, drugs are listed in the following categories:

• **Allowed**

Drugs used routinely for treating accepted industrial injuries and occupational illnesses.

Example: Nonscheduled drugs and other medications during the acute phase of treatment for the industrial injury or condition.

• **Prior authorization required**

Drugs used routinely to treat conditions not normally accepted as work related injuries, drugs which are used to treat unrelated conditions retarding recovery from the accepted condition on the claim, and drugs for which less expensive alternatives exist.

Example: All drugs to treat hypertension because hypertension is not normally an accepted industrial condition.

• **Denied**

Drugs not normally used for treating industrial injuries or not normally dispensed by outpatient pharmacies.

Example: Most hormones, most nutritional supplements.

**NEW SECTION**

**WAC 296-20-03013 Will the department or self-insurer pay for a denied outpatient drug in special circumstances?** Some of the drugs that are routinely denied may be covered in special circumstances. Requests for coverage under special circumstances require authorization prior to treatment. Examples of drugs that may be covered in special circumstances include:

- Drugs and medications to treat unrelated conditions when retarding recovery;
- Special treatments for unique catastrophic injuries.

The department may require written documentation to support the request.

**NEW SECTION**

**WAC 296-20-03014 Which drugs have specific limitations?** (1) **Injectables.** Prescriptions for injectable narcotics, sedatives, analgesics, antihistamines, tranquilizers, psychotropics, vitamins, minerals, food supplements, and hormones are not covered.

Exceptions: The department or self-insurer covers injectable medications under the following circumstances.

- (a) Indicated injectable drugs for the following:
  - Inpatients except when hospital admission is solely for administration of drugs for relief of chronic pain; or
  - During emergency treatment of a life-threatening condition/injury; or
  - During outpatient treatment of severe soft tissue injuries, burns or fractures when needed for dressing or cast changes; or
  - During the perioperative period and the postoperative period, not to exceed forty-eight hours from the time of discharge.

(b) Prescriptions of injectable insulin, heparin, anti-migraine medications, or impotency treatment, when proper and necessary.

(2) **Noninjectable scheduled drugs administered by other than the oral route.** Nonoral routes of administration of scheduled drugs that result in systemic availability of the drug equivalent to injectable routes will also not be covered.

(3) **Sedative-hypnotics.** During the chronic stage of an industrial injury or occupational disease, payment for scheduled sedatives and hypnotics will not be authorized.

Exception: Anti-seizure medications.

(4) **Benzodiazepines.** Payment for prescriptions for benzodiazepines are limited to the following types of patients:

- Hospitalized patients;
- Claimants with an accepted psychiatric disorder for which benzodiazepines are indicated;
- Claimants with an unrelated psychiatric disorder that is retarding recovery but which the department or self-insurer has temporarily authorized treatment (see WAC 296-20-055) and for which benzodiazepines are indicated; and
- Other outpatients for not more than thirty days for the life of the claim.

(5) **Cancer.** When cancer or any other end-stage disease is an accepted condition, the department or self-insurer may authorize payment for any indicated scheduled drug and by any indicated route of administration.

(6) **Spinal cord injuries.** When a spinal cord injury is an accepted condition, the department or self-insurer may authorize payment for anti-spasticity medications by any indicated route of administration (e.g., some benzodiazepines, Baclofen). Prior authorization is required.

Note: See the department formulary for specific limitations and prior authorization requirements of other drugs.

**NEW SECTION**

**WAC 296-20-03015 What steps may the insurer take when concerned about the amount or appropriateness of drugs and medications prescribed to the injured worker?**

(1) The department or self-insurer may take any or all of the following steps when concerned about the amount or appropriateness of drugs the patient is receiving:

- Notify the attending physician of concerns regarding the medications such as drug interactions, adverse reactions, prescriptions by other providers;
- Require that the attending physician send a treatment plan addressing the drug concerns;
- Request a consultation from an appropriate specialist;
- Request that the attending physician consider reducing the prescription, and provide information on chemical dependency programs;
- Limit payment for drugs on a claim to one prescribing doctor.

(2) If the attending physician or worker does not comply with these requests, or if the probability of imminent harm to the worker is high, the department or self-insurer may discontinue payment for the drug after adequate prior notification has been given to the worker, pharmacy and physician.

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(3) Physician failure to reduce or terminate prescription of controlled substances, habit forming or addicting medications, or dependency inducing medications, after department or self-insurer request to do so for an injured worker may result in a transfer of the worker to another physician of the worker's choice. (See WAC 296-20-065.)

(4) Other corrective actions may be taken in accordance with WAC 296-20-015, Who may treat.

NEW SECTION

**WAC 296-20-03016 Is detoxification and/or chemical dependency treatment covered?** The department or self-insurer may pay for detoxification and/or chemical dependency treatment in the following circumstances:

- The injured worker becomes dependent on medication prescribed for an accepted condition on the claim;
- An addiction is retarding recovery of the accepted condition on the claim.

NEW SECTION

**WAC 296-20-03017 What information is needed for prescriptions and the physician's record?** Prescriptions must include the department authorized provider number and a physician's signature. The physician's record must contain the name and reason for the medication, the dosage, quantity prescribed and/or dispensed, the route of administration, the frequency, the starting and stopping dates, the expected outcome of treatment, and any adverse effects that occur. Please refer to WAC 296-20-03021 and 296-20-03022 for additional documentation requirements when treating chronic, noncancer pain.

NEW SECTION

**WAC 296-20-03018 What inpatient drugs are covered?** In general, the department or self-insured employer pays for most drugs in an inpatient hospital setting. Please see WAC 296-20-075, Hospitalization.

NEW SECTION

**WAC 296-20-03019 Under what conditions will the department or self-insurer pay for oral opioid treatment for chronic noncancer pain?** Chronic, noncancer pain may develop after an acute injury episode. It is defined as pain that persists beyond two to four months following the injury.

The department or self-insurer may pay for oral opioids for the treatment of chronic, noncancer pain caused by an accepted condition when that treatment is proper and necessary. See WAC 296-20-01002 for the definition of "proper and necessary" health care services.

NEW SECTION

**WAC 296-20-03020 What are the authorization requirements for treatment of chronic, noncancer pain**

**with opioids?** Prior authorization is required for treatment of chronic, noncancer pain with opioids.

The attending physician must submit a written request and obtain approval from the department or self-insurer prior to prescribing opioids for chronic, noncancer pain. The written request must include the following factors:

- A treatment plan with time-limited goals;
- A consideration of prior medical and L&I records;
- A summary of conservative care rendered to the worker that focused on reactivation and return to work;
- A statement on why prior or alternative conservative measures may have failed or are not appropriate as sole treatment;
- A summary of any consultations that have been obtained, particularly those that have addressed factors that may be barriers to recovery;
- A statement that the attending physician has conducted appropriate screening for elements of addiction; and
- An opioid treatment agreement that has been signed by the worker and the attending physician. This agreement must be renewed every six months. The treatment agreement must outline the risks and benefits of opioid use, the conditions under which opioids will be prescribed, the physician's need to document overall improvement in pain and function, and the worker's responsibilities.

NEW SECTION

**WAC 296-20-03021 What documentation is required to be submitted for continued coverage of opioids to treat chronic, noncancer pain?** In addition to the general documentation required by the department or self-insurer, the attending physician must submit the following information when treating with opioids:

- Documentation of screenings, consultations, and all other treatment trials;
- Documentation of outcomes and responses, including pain intensity and functional levels; and
- Any modifications to the treatment plan.

NEW SECTION

**WAC 296-20-03022 How long will the department or self-insurer continue to pay for opioids to treat chronic, noncancer pain?** The department or self-insurer will continue to pay for treatment with opioids so long as the physician documents:

- Substantial reduction of the patient's pain intensity; and
- Substantial improvement in the patient's function.

The physician must use a form developed by the department, or a substantially equivalent form, to document the patient's improvement in these two areas.

Once the worker's condition has reached maximum medical improvement, further treatment with opioids is not payable. Opioid treatment past three months of an opioid trial without documentation of substantial improvement is presumed to be not proper and necessary.

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NEW SECTION

**WAC 296-20-03023** **When may the department or self-insurer deny payment of opioid medications used to treat chronic, noncancer pain?** Payment for opioid medications may be denied in any of the following circumstances:

- Absent or inadequate documentation;
- Noncompliance with the treatment plan;
- Pain and functional status have not substantially improved after three months of opioid treatment; or
- Evidence of misuse or abuse of the opioid medication or other drugs, or noncompliance with the attending physician's request for a drug screen.

Other corrective actions may be taken in accordance with WAC 296-20-015, Who may treat.

NEW SECTION

**WAC 296-20-03024** **Will the department or self-insurer pay for nonopioid medications for the treatment of chronic, noncancer pain?** The department or self-insurer may pay for nonopioid medication for the treatment of chronic, noncancer pain when it is proper and necessary.

For example, some drugs such as anti-convulsants, anti-depressants, and others have been demonstrated to be useful in the treatment of chronic pain and may be approved when proper and necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-03003      Drugs and medication.

**WSR 99-19-165****PROPOSED RULES****DEPARTMENT OF LICENSING**

(Engineer Registration Board)

[Filed September 22, 1999, 10:56 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 99-16-064.

**Title of Rule:** This will be a new WAC chapter titled Fees for on-site wastewater designers and inspectors. The rule lists applicable fees for designers and inspectors and provides information on practice permits, designer licenses, certificates of competency for inspectors, expiration dates and cancellation of licenses and certificates.

**Purpose:** The purpose is to put the on-site wastewater designers, inspectors, and the public on notice as to what the fees are for obtaining and renewing a practice permit, designer license and certificate of competency and when those permits, licenses and certificates expire. The rule also gives the penalty fee for not renewing license or certificate within ninety days of the expiration date and provides the cir-

cumstances under which a license or certificate will be canceled.

**Other Identifying Information:** This rule is being proposed to implement the fees required by chapter 18.210 RCW, On-site wastewater treatment systems—Designer licensing, as passed by the legislature in 1999.

**Statutory Authority for Adoption:** RCW 18.43.035.

**Statute Being Implemented:** Chapter 18.210 RCW.

**Summary:** 2SSB 5821 established the On-site wastewater treatment systems—Designer licensing, legislation in July 1999. That legislation was codified as chapter 18.210 RCW. This law requires that certain fees be implemented by the director of the Department of Licensing to support the licensing and certification of designers and inspectors. This proposed rule would establish those fees.

**Reasons Supporting Proposal:** Chapter 18.210 RCW requires that fees be established. These proposed fees are at the same level that as presented to the legislature for their analysis of the bill establishing licensing and certification for on-site designers and inspectors. A recent survey found that the number of designers and inspectors to be licensed is similar to the number estimated in the legislation.

**Name of Agency Personnel Responsible for Drafting:** Rick Notestine, 405 Black Lake Boulevard, Olympia, (360) 586-7298; **Implementation and Enforcement:** George Twiss, 405 Black Lake Boulevard, Olympia, (360) 586-7296.

**Name of Proponent:** Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule establishes and implements the fees required in chapter 18.210 RCW for a practice permit, designer license, certificate of competency, and penalty for not renewing a license or certificate within ninety days of the expiration date. In addition, the rule defines the expiration dates for a practice permit, designer license, and certificate of competency and states that any license or certificate that is expired for more than two years will be canceled. If a license or certificate is canceled, the licensee or certificate holder must reapply as a new applicant under chapter 18.210 RCW.

The purpose and effect of this rule will be to put the potential practice permit holders, licensees, certificate holders and the public on notice as to: What the fees will be to obtain a practice permit, designer license, or certificate of competency and the expiration dates for those permits, licenses and certificates; what the penalty fee is for not renewing said license or certificate in time; and what the cancellation and reinstatement guidelines are.

Proposal does not change existing rules. This will be a new WAC chapter and rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The legislature mandated through 2SSB 5821 that individual persons designing or inspecting on-site wastewater treatment facilities be licensed or holds a certificate of competency, and that fees be established to obtain the license or certificate. It is an individual, and not a company that applies for and pays for the required license or certificate; so, this rule has no direct fiscal impact on businesses. In a survey conducted by the board, the

PROPOSED

respondents indicated they must currently pay a fee to the local health department in each of the counties that they work in. They felt that having one fee and one set of regulations for the profession is a benefit to them and the companies that they work for, and therefore, the rule would not create an adverse impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Licensing is not one of the named agencies in this statute.

Hearing Location: There will be three hearings on these rules to solicit comments from the on-site wastewater treatment designer/inspector community and the general public. The last of the three hearings to be held on Wednesday, November 10, will also be the rule adoption hearing.

The dates and locations of the hearings are on Wednesday, November 3, 1999, at 7:00 p.m. to 9:00 p.m., Hilton Seattle Airport, 17620 Pacific Highway South, Columbia West Room, SeaTac, WA 98188; on Thursday, November 4, 1999, at 6:00 p.m. to 8:00 p.m., Ramada Inn, Spokane International Airport, Washington Room, Spokane, WA 99219; and on Wednesday, November 10, 1999, at 10:00 a.m. to 11:00 a.m., Department of Licensing, Business and Professions Division, Conference Room No. 1 (First Floor), 405 Black Lake Boulevard, Olympia, WA 98502.

Assistance for Persons with Disabilities: Contact Kim Chipman by November 1, 1999, TDD (360) 586-2788, or (360) 753-6966.

Submit Written Comments to: Rick Notestine, Program Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649.

Date of Intended Adoption: November 10, 1999.

September 20, 1999

George A. Twiss

Executive Director

**Chapter 196-30 WAC**

**FEEES FOR ON-SITE WASTEWATER TREATMENT DESIGNERS AND INSPECTORS**

NEW SECTION

**WAC 196-30-020 Onsite wastewater treatment designer and inspector fees.** The business and professions division of the department of licensing shall assess the following fees:

Title of Fee	Amount (\$)
Practice permit application	100.00
Practice permit renewal	250.00
Designer license application	175.00
Designer license application (comity)	50.00
Designer license renewal	250.00
Designer license re-examination	100.00
Late Renewal Penalty	100.00

Certificate of competency (inspector)	
Application	175.00
Certificate of competency renewal	250.00
Certificate of competency re-examination	100.00
Late Renewal Penalty	100.00

NEW SECTION

**WAC 196-30-030 License renewals.** (1) Practice permits are valid for one year. They must be renewed each year by paying the required fee no later than the anniversary date of when the permit was originally issued. A valid practice permit will remain in force until the permit holder is issued a designer license, or July 1, 2003, whichever comes first. The permit holder must renew for a full year. No refunds will be made, or payments accepted, for a partial year.

(2) The initial designer license and certificate of competency will expire on the licensee's or certificate holder's next birth date. However, if the licensee's or certificate holder's next birth date is within three months of the initial date of issuing the license or certificate, the original license or certificate will expire on his or her second birthday following issuance of the original license or certificate. All subsequent renewals shall be for a one-year period due on the individuals birth date. No refunds will be made, or payments accepted for a partial year.

(3) It shall be the licensee's or certificate holder's responsibility to pay the prescribed renewal fee to the department of licensing on or before the date of expiration.

(4) Licensees and certificate holders who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to a late penalty fee of \$100.00. However, the license or certificate is invalid the date of expiration (if not renewed) even though an additional 90 days is granted to pay the renewal fee without penalty. After ninety days, the base renewal fee plus the penalty fee must be paid before the license or certificate can be renewed to a valid status.

(5) Any designer license or certificate of competency that remains expired for more that two years would be canceled. After cancellation, a new application must be made in accordance with chapter 18.210 RCW to obtain another license or certificate.

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

**WSR 99-19-167**

**PROPOSED RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Filed September 22, 1999, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-068.

Title of Rule: Commercial fishing rules.

PROPOSED

Purpose: Crab gear limitation.

Statutory Authority for Adoption: RCW 75.30.480, 75.08.080.

Statute Being Implemented: RCW 75.30.480.

Summary: Limits coastal crab gear.

Reasons Supporting Proposal: The crab fishery is over-capitalized, and the available surplus is taken to rapidly. Reduction in the harvest rate will ensure stability and allow better monitoring to review the catch per unit effort, providing for better management.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is proposing rules to achieve an even-flow harvest of coastal crab, as mandated by the legislature in RCW 75.30.480. This harvest rate, by lengthening the time period of the coastal crab fishery, provides stability in the fishery. The maximum pot size is standardized to achieve parity between harvesters, while the number of pots is reduced to a maximum of 500 per vessel for December 1999, and then tiered to the catch level made during the 1996 through 1998 seasons. An appeal process is provided for.

Proposal Changes the Following Existing Rules: Sets maximum crab pot size for the coastal fishery.

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

#### Small Business Economic Impact Statement

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: Maximum crab pot size of thirteen cubic feet.

2. Kinds of Professional Services That a Small Business Is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None. Standard crab pot size is less than the proposed maximum, so no gear loss anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? All fishers (businesses) will have a potential for a reduction in overall gear usage, which may affect short-term revenue. This will, however, be offset by a longer fishery, which will offer additional revenue opportunities. These rules will reduce the harvest rate by out-of-state fishers, who have been unregulated to date. This should provide additional fishing opportunity for Washington state fishers, as well as a better and closer market, unavailable to out-of-state fishers who do not have landing permits. Overall, it appears that there will be no loss of revenue.

5. Cost of Compliance for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed Rules Using One of More of the Following as a Basis for Comparing Costs:

a. Cost per employee - None.

b. Cost per hour of labor - NA.

c. Cost per one hundred dollars of sales - NA.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing so: No steps taken as no anticipated costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: This rule was developed with the industry.

8. A List of Industries That Will Be Required to Comply with the Rule: Nontreaty coastal crab fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2930, fax (360) 902-2944.

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

Hearing Location: Room 175A, NRB Building, 1111 Washington Street, Olympia, on October 26, 1999, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Jackie Hurse by October 11, 1999, TDD (360) 902-2207 or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2944, by October 25, 1999.

Date of Intended Adoption: October 26, 1999.

September 22, 1999

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 98-185, filed 9/4/98, effective 10/5/98)

**WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

PROPOSED

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

(5) **Dungeness Bay Area Limit of 20 pots.** No person, nor any group of persons using the same vessel, may take or fish for crabs for commercial purposes by setting, using, operating, or controlling more than 20 shellfish pots and/or ring nets within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(6) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 30 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek.

(7) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(8) **Puget Sound crab pots must be tagged.** In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab pot without a pot tag that meets the requirements of WAC 220-52-043.

(9) **Puget Sound - No person can possess or use gear with other person's tag.** In Puget Sound no person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, except that an alternate operator designated on a primary license may possess and operate a crab pot bearing the tag of the license holder.

(10) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab pot tags except when lawfully applying or removing tags on the person's own pots.

(11) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Wil-

lapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(12) ~~((Grays Harbor pot limit of 200. It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.))~~ The following gear and fishing method limitations apply to fishing for Dungeness crab in coastal and offshore waters of the Pacific Ocean that are west of the Bonilla-Tatoosh line, south of the United States/Canada border, north of the Oregon/Washington border, and including waters of Grays Harbor, waters of Willapa Bay and the concurrent waters of the Columbia River. Persons who violate the following provisions are subject to criminal penalties under chapter 77.15 RCW.

(a) **Temporary crab pot limit.** No person may fish more than 500 crab pots during the period December 1 through December 31, 1999, of which no more than 200 pots may be fished in Grays Harbor.

(b) **Crab pot allowance certificate required.** Effective January 1, 2000, no person may fish more than the number of crab pots assigned to that person's Dungeness crab-coastal fishery license, or the equivalent license issued by the state of Oregon or California. The crab pot number allowance will be identified in a certificate. The crab pot allowance certificate must be possessed by a commercial fisher while fishing for or possessing Dungeness crab in waters covered by this rule.

(c) **Setting the crab pot allowance number.** The number of crab pots allowed to a licensee will be based on the documented landings of Dungeness crab taken south of the United States/Canada border, west of the Bonilla-Tatoosh line, and taken from Pacific Ocean waters and waters of coastal estuaries in the states of Washington, Oregon, and California. Documented landings may be shown only by valid Washington state shellfish receiving tickets or the equivalent documents from the states of Oregon and California that show Dungeness crab taken between December 1, 1996, and September 16, 1998, (the "qualifying period"), and such fish receiving documents must have been received by the respective states no later than October 15, 1998.

(i) Persons who landed 200,000 or more pounds during the qualifying period shall receive a 600 pot maximum limit.

(ii) Persons who landed at least 39,000 pounds but less than 200,000 pounds during the qualifying period shall receive a 500 pot maximum limit.

(iii) Persons who landed less than 39,000 pounds during the qualifying period shall receive a 300 pot maximum limit.

**(d) Seeking an upgrade from 300 or 500 pot allowances.** A licensee may seek an upgrade from the 300 and 500 pot allowances set in this subsection by showing all three of the following factors apply to that licensee:

**(i) The licensee has documented catch records showing that the licensee made the landings required for a higher pot allowance during any biennial period between December 1st through the second September 16th following, where that biennial period occurred between December 1, 1990, and September 16, 1997;**

**(ii) The circumstances that prevented the licensee from achieving landings during the qualifying period were beyond the licensee's control if the licensee had used reasonable diligence to pursue crab during the qualifying period; and**

**(iii) The circumstances that prevented the landings during the qualifying period did not generally apply to other crab fishers. Any application for an upgrade of the pot limit assignment must be received by the department on or before December 1, 2000. A person may appeal the department's decision on the application for an upgrade pursuant to the Administrative Procedure Act.**

**(e) Exception for undesignated vessels during pre-season soaking.** After November 28, 1999, no person's crab pots may be deployed from a vessel not designated on a Dungeness crab-coastal fishery license, except that it is lawful to use a nondesignated vessel during the period November 28 through December 2 of each year if the person whose crab pots are being deployed is aboard the deploying vessel.

**(f) Pot and buoy tag requirement.** Effective December 1, 2000, each crab pot and crab pot buoy must be identified by a department-issued tag affixed to the crab pot and a department-issued tag affixed to the crab pot buoy line within 24 inches of the terminal buoy. All gear possessed on the water or used in the fishery must be so identified. No person may possess, use, control, fish from, or set pots or buoys that have a tag that is not assigned to that licensee, except that an alternate operator may operate such gear.

**AMENDATORY SECTION** (Amending Order 98-185, filed 9/4/98, effective 10/5/98)

**WAC 220-52-043 Commercial crab fishery—Additional gear and license use requirements.** (1) **Commercial gear limited to pots and ring nets.** It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) **Commercial gear escape rings and ports defined.** It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) **Puget Sound commercial gear tagging requirements.**

In Puget Sound, all crab pots must have a durable, non-biodegradable tag permanently and legibly marked with the primary license owner's name or license number, and tele-

phone number securely attached to the pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(4) **Puget Sound - Description of lawful buoys.** All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(5) **Commercial crab license requirements.** In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 75.28.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 75.28.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 75.28.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 75.28 and 75.30 RCW.

(6) **Maximum size for coastal crab pots.** Effective December 1, 1999, the maximum volume of a crab pot used to fish for or take Dungeness crab from the waters provided for in WAC 220-52-040(12) is thirteen cubic feet.

(7) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any crab fishing.

**WSR 99-19-168  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 22, 1999, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-13-008.

Title of Rule: Commercial fishing rules.

Purpose: Set 1999 Puget Sound salmon net season.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Puget Sound net season.

Reasons Supporting Proposal: These rules provide for the 1999 salmon harvest based on preseason forecasts and management decisions from the North of Falcon process.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This filing is the result of an objection to expedited rule adoption.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department negotiated the 1999 Puget Sound salmon season as part of the Pacific Marine Fisheries Commission North of Falcon process in early 1999. These rules are intended to provide for this fishery, allowing harvest of available surplus stocks, while preventing take on stocks that are threatened or endangered. Retention of salmon for personal use is conformed to the sport limit for the area fished. Net marking rules are relaxed. Purse seine brailing and log book requirements are instituted to provide protection for chinook.

Proposal Changes the Following Existing Rules: Seasons, areas, net marking requirements, chinook release and recording requirements.

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

#### Small Business Economic Impact Statement

For:

- 1) Retention of Salmon for Personal Use, WAC 220-20-016(1).
- 2) Marking Gillnet Gear, WAC 220-47-302(4).
- 3) Gillnet Mesh Size Restrictions, WAC 220-47-304(2).
- 4) Closed Areas—Puget Sound Salmon, WAC 220-47-307 Area 6D, Area 7 (6,7,8), Area 8A(2).
- 5) Puget Sound Commercial Salmon Seasons, WAC 220-47-311, 220-47-401, 220-47-411, 220-47-428.
- 6) Purse Seine Brailing in Areas 7 and 7A, WAC 220-47-325(2).
- 7) Gillnet Daily Hours, WAC 220-47-410.
- 8) Beach Seine—Emerging Commercial Fishery, WAC 220-47-427.
- 9) Puget Sound Commercial Log Book, WAC 220-47-430.

Description of Proposed Rules:

- 1) Sets a maximum allowable take home limit of salmon to the equivalent of one sport bag limit for the license holder and each crew.
- 2) Repeals an existing rule requiring gillnet corklines to be marked with a cork of contrasting color at 50 foot intervals.

3) Changes the maximum gillnet mesh size during sockeye fisheries from six (6) inches to five and one-half (5 1/2) inches.

4) Changes the closure at the mouth of the Dungeness River from 1,000 feet to 1/4 mile, opens the closed area in Area 7 known as the "Bluffs" during chum directed fisheries, closes Area 8A (Port Gardner/Possession Sound) south of a line from the Mukilteo ferry landing to the Clinton ferry landing during pink directed fisheries.

5) Establishes commercial salmon fisheries for the 1998 season in Puget Sound.

6) Requires purse seiners operating in Areas 7 and 7A during sockeye and pink fisheries to use a brailer or a dip net to land fish to the deck.

7) A "house keeping" measure that simply rewords an existing rule limiting the use of gillnets in Areas 7 and 7A to certain hours. No changes to the actual hours allowed.

8) Lowers the Quilcene Bay emerging commercial fishery mandatory participation requirement from four days per week to two days per week.

9) Requires the possession and use of a log book when fishing in Area 7 or 7A sockeye or pink fisheries.

Purpose for the Proposed Rules:

1) Brings salmon taken for personal use aboard commercial vessels under the same limit rules set for recreational fishers.

2) Repeals a rule no longer necessary for the management of orderly fisheries.

3) Limits the incidental catch of chinook salmon while still allowing access to sockeye salmon.

4) The additional area closure in Dungeness Bay matches existing tribal closure area, simplifying enforcement. The original intention of closing the "Bluffs" was to protect endangered chinook salmon. Opening the Bluffs during chum season is safe, as the chinook have already migrated through the area. Closing the southern portion of Possession Sound limits potential conflicts between sport and commercial fishing gears; rule was developed by mutual agreement of the users at Pacific Fishery Management Council/North of Falcon (PFMC/NoF) public meetings.

5) Establishes commercial salmon fisheries for the 1999 season in Puget Sound according to agreements reached during the (PFMC/NoF) public process.

6) Limits the number of salmon landed on deck to facilitate the immediate sorting and release of nontarget species. This rule is designed to increase the survival of salmon that may not be retained during Area 7 and 7A sockeye and pink fisheries.

7) No change to the rule itself. Cleans up the grammar used in describing the rule.

8) Gives Quilcene Bay Salmon Beach Seine Permit holders the option of fishing fewer days per week.

9) Provides accounting of nontarget salmon species (chinook, coho, chum) intercepted during commercial sockeye and pink fisheries in Areas 7 and 7A.

Effect of the Proposed Rules on Small Business:

- 1) None.
- 2) Saves time and money when rehangng nets.
- 3) Reduces the number of nontarget chinook salmon caught.



4) Area 6D, reduces the fishing area around the mouth of the river by about 500 feet; Area 7, increases area allowed to be fished during chum season; Area 8A, reduces the fishing area and potentially reduces pink salmon catch.

5) Provides opportunity for salmon fisheries targeting harvestable numbers of salmon while reducing impacts on stocks of concern.

6) Requires time and money to buy and install net; increases time to complete set, thus reducing the number of sets over time.

7) None.

8) Provides beach seine fishers with the option to fish fewer days and yet maintain their license.

9) Minimal cost to obtain and return log book; time required to sort, count and record data in log book on nontarget salmon species.

**INDUSTRY PROFILE:**

1. Industry (SIC code) Affected by These Proposed Rules: 0912, Finfish Fisheries.

2. Number of Businesses in That Industry: Only 123 businesses filed tax returns with the Washington State Department of Revenue from this SIC code in 1997, the most recent year for which data are available. SIC 0912 includes all Washington state fishing areas, finfish species and commercial gears (3,250 licenses in 1997). SIC 0912 underestimates actual numbers of commercial fishermen due to several factors; in order to be assigned a SIC code a business would have to net more than \$24,000 per year from that activity and that activity would have to make up greater than 20% of the businesses income.<sup>1</sup>

A more accurate count of businesses participating in Puget Sound commercial salmon fishing can be found in WDFW licensing records and in the catch and landing data. The following table shows the number of licenses and the number of active fishers:

GEAR	YEAR	LICENSES <sup>a</sup>	ACTIVE PUGET SOUND <sup>b</sup>	ACTIVE AREA 7/7A ONLY <sup>c</sup>
GILLNET	1997	873	473	403
	1998	771	288	201
PURSE SEINE	1997	291	204	151
	1998	268	149	72
REEF NET	1997	48	36	36
	1998	44	25	25

<sup>a</sup> Number of licenses issued by WDFW (Puget Sound salmon only).

<sup>b</sup> Number of individual vessels with landings in any Puget Sound salmon fisheries (including 7/7A).

<sup>c</sup> Number of individual vessels landing salmon in Area 7/7A salmon fisheries only.

3. Number of Employees in That Industry: Unknown.

4. Number of Small Businesses in That Industry: 1,083. Virtually all of the individual fishers could be considered small businesses (see table in #2 above). For most commercial fishers this is not their sole source of income. The number of fishers for whom Puget Sound commercial salmon fishing is a major component of their income is unknown.

5. Number of Businesses in That Industry That Are Affected by These Proposed Rules: Items 1, 4 and 5 would

directly affect 462 active fishers, but could potentially affect all 1,083 license holders (see table in #2 above).

Item 2 would directly affect about 288 active Puget Sound salmon gillnet fishers, but could potentially affect all 771 gillnetters (see table in #2 above).

Items 3 and 7 would directly affect about 201 active Area 7/7A salmon gillnet fishers, but could potentially affect all 771 gillnetters (see table in #2 above).

Item 6 would directly affect about 72 active Area 7/7A salmon purse seine fishers, but could potentially affect all 268 purse seiners (see table in #2 above).

Item 8 would affect up to five (5) beach seine license holders (currently only 3 license holders).

Item 9 would affect about 298 active Area 7/7A commercial salmon fishers, but could potentially affect all 1,083 license holders (see table in #2 above).

**ECONOMIC IMPACTS:**

1. Description of Reporting, Recordkeeping and Other Compliance Measures Required by Proposed Rule: WAC 220-47-430 requires that commercial purse seine, gillnet and reef net fishers maintain a log book of incidental catch and to return the completed log book to the Department of Fish and Wildlife.

2. Professional Services Required by rule: None.

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: WAC 220-47-325(2) requires that purse seiners use of a brailer or dip net constructed of soft knotless web. Most, if not all seiners already have brailers and/or dip nets. The cost to replace the old netting with the new soft knotless web is about \$55<sup>2</sup> for materials and would take about 2 1/2 hours to install.

WAC 220-47-304(2) changes the maximum allowable mesh size for a sockeye gillnet from six (6) inch to five and one-half (5 1/2) inches. Most if not all gillnetters currently fish sockeye with nets that would comply with this rule. If a gillnet fisher was using a larger net and had to change gear to comply with the new rule it would cost about \$2,975<sup>3</sup> for materials and take about 23 hours to construct.

WAC 220-47-430 requires that commercial purse seine, gillnet and reef net fishers maintain a log book of incidental catch and to return the completed log book to the Department of Fish and Wildlife. Log books were available free of charge from the commercial gear groups to their members, and were also available free of charge from WDF&W licensing in Olympia. The only cost associated with this rule would be a long distance phone call or postage to request a copy of the log book as well as postage to return the log book to the agency (less than \$10).

4. Will Compliance Cost Businesses to Lose Sales or Revenue?

Uncertain, WAC 220-47-325 would require more time spent handling salmon and potentially reduces the number of sets able to be made when fishing is good; at the same time, it benefits the resource status and reduces the likelihood of receiving a citation for a fishery violation for unlawfully retaining fish, due to better sorting of the catch. WAC 220-47-307 closes a portion of Possession Sound to commercial pink fishing known to produce catch.

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5. Comparison of Costs for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed Rule: Neither costs per employee, costs per hour of labor, nor costs per \$100 of sales are different between small businesses and the largest 10% of businesses affected.

6. Steps Taken by Agency to Reduce the Costs of the Rule on Small Businesses: Decisions were made to mail log books, free of charge, to anyone who requested one.

7. Description of How the Agency Will Involve Small Businesses in Rule Development: These rules are a result of negotiated rule making through the Pacific Fisheries Management Council/North of Falcon public process. These meetings were attended by representatives of the several fishery management agencies, treaty Indian tribes, representatives from the Purse Seine Vessel Owners Association, Puget Sound Gillnetters Association and the Washington Reef Net Owners Association, as well as other commercial and recreational groups. Industry was fully involved in shaping seasons and areas, developing rules to protect weak stocks or threatened species, and in designing changes to fishing gear.

8. List of Industries Required to Comply with this Rule: Puget Sound salmon gillnet, purse seine and reef net license holders.

<sup>1</sup> Pers. Comm. Margaret Knudson, Dept. Of Revenue, to Steve Boesow, WDFW- 8 September, 1999.

<sup>2</sup> Cost based on replacing the web on an existing brailer frame. Cost includes net and lacing only. Cost does not include brailer handle, rings, hardware or labor (Lummi Fishery Supply - written bid).

<sup>3</sup> Cost based upon a standard Puget Sound gillnet 5" x 300 fathoms x 200 mesh depth. Cost includes net and lacing. Cost does not include corkline, leadline, bird panel or labor (Lummi Fishery Supply - written bid).

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2930, fax (360) 902-2944.

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

Hearing Location: Room 175A, NRB Building, 1111 Washington Street, Olympia, on October 26, 1999, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by October 11, 1999, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2944, by October 25, 1999.

Date of Intended Adoption: October 26, 1999.  
September 22, 1999  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 85-43, filed 5/10/85)

**WAC 220-20-016 Sale of commercial caught salmon.** It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 75.28 RCW to:

(1) ~~((Keep more than three salmon taken under such license for personal use, up to a maximum of six salmon in possession for multi day trips.))~~ Retain for personal use more

than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(2) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers.

**AMENDATORY SECTION** (Amending Order 97-124, filed 7/29/97, effective 8/29/97)

**WAC 220-47-302 Puget Sound—Lawful gear—Gill net.** (1) Lawful drift gill net salmon gear in Puget Sound shall not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) ~~((All gill net gear used in Puget Sound must have floats or corks of a contrasting color attached in 50-foot intervals along the corkline.~~

~~(5))~~ It shall be unlawful to take or fish for salmon with gill net gear beginning in 1998 in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-304 Puget Sound—All citizen salmon species seasons and gill net mesh sizes.** ~~((The following are Puget Sound all citizens salmon species seasons listed by area and species:~~

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/20	- 10/24
7,7A:	FRASER SOCKEYE	6/21	- 9/26
	CHUM	9/27	- 11/14
7B:	CHINOOK	8/9	- 9/5
	COHO	9/6	- 10/24
	CHUM	10/25	- 12/12
7C:	CHINOOK	8/9	- 10/10
8:	CHUM	10/25	- 11/28
8A:	CHUM	10/18	- 11/28
8D:	COHO	9/20	- 11/7
	CHUM	11/8	- 12/19
9A:	COHO	9/13	- 10/31

AREA	SPECIES	DATE	RANGE
10, 11:	COHO	9/6	10/40
	CHUM	10/11	11/28
12:	CHUM	10/18	11/20
12A:	COHO	8/30	10/40
12B:	CHUM	10/18	11/20
12C:	CHUM	10/25	11/27

(1) The following are the 1999 Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/19	10/23
	FRASER SOCKEYE AND PINK	6/26	9/25
	CHUM	9/26	11/13
7.7A:	FRASER SOCKEYE AND PINK CHUM	6/26	9/25
		9/26	11/13
7B:	CHINOOK	8/8	9/4
	COHO	9/5	10/23
	CHUM	10/24	12/11
7C:	CHINOOK	8/8	10/9
8:	PINK	8/22	9/18
	COHO	8/29	10/23
	CHUM	10/24	11/27
8A:	PINK	8/8	9/11
	COHO	9/5	10/16
	CHUM	10/17	11/27
8D:	COHO	9/19	11/6
	CHUM	11/7	12/18
9A:	COHO	9/19	10/30
10, 11:	COHO	9/5	10/9
	CHUM	10/10	11/27
12:	COHO	9/26	10/16
	CHUM	10/17	11/20
12A:	COHO	8/29	10/16
12B:	COHO	10/13	10/16
	CHUM	10/17	11/20
12C:	CHUM	10/31	11/27

(2) It is unlawful to fish for or possess salmon taken with gill net gear using mesh other than the mesh listed below for the species seasons set out in this section:

CHINOOK SEASON	7 INCH MINIMUM MESH
COHO SEASON	5 INCH MINIMUM MESH
PINK SEASON	5 INCH MINIMUM MESH
	5-1/2 INCH MAXIMUM MESH
	AND IN SMCRA 8 - 60 MESH MAXIMUM DEPTH
CHUM SEASON	6-1/4 INCH MINIMUM MESH
FRASER SOCKEYE	5 INCH MINIMUM MESH
	5-1/2 INCH MAXIMUM MESH

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes

with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 75.12.140:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within ((1,000 feet)) 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point ~~((those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Island, those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from Fidalgo Head northerly to Shannon Point)).~~

~~((7))~~ (8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point

~~((8))~~, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the south-

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eastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink seasonal closure: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-311 Purse seine—Open periods.** During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

((AREA	TIME	DATE	TIME	DATE
7-7A:	7AM	-	6PM	10/20, 10/26
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/11, 11/12
7B:	6AM	9/08	4PM	9/11
	6AM	9/14	4PM	9/18
	6AM	9/20	4PM	10/31
	6AM	11/02	4PM	11/06
	6AM	11/09	4PM	11/13
	6AM	11/16	4PM	11/20
	6AM	11/23	4PM	11/27
	6AM	11/30	4PM	12/04
	6AM	12/07	4PM	12/11
8:	7AM	-	6PM	10/26
	7AM	-	5PM	11/03, 11/09, 11/17, 11/23
8A:	7AM	-	6PM	10/21, 10/22, 10/26, 10/27
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/18, 11/19, 11/23, 11/24, 11/25, 11/30, 12/01

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(AREA	TIME	DATE	TIME	DATE	AREA	TIME	DATE	TIME	DATE
7D:	7AM	-	7PM	9/21, 9/22, 9/23, 9/24, 9/29, 9/30, 10/01, 10/02, 10/05, 10/06, 10/07, 10/08, 10/13, 10/14, 10/15, 10/16,		7AM	:	6PM	10/20, 10/21, 10/25, 10/26
						7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/17, 11/18, 11/22, 11/23, 11/24
	7AM	-	6PM	10/21, 10/22, 10/26, 10/27	10, 11:	7AM	:	6PM	10/19, 10/25
						7AM	:	5PM	11/2, 11/3, 11/8, 11/16
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/18, 11/19, 11/23, 11/24, 11/25, 11/30, 12/01	12, 12B:	7AM	:	6PM	10/19, 10/25
						7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/16
					12C:	7AM	:	5PM	11/16, 11/22
10, 11:	7AM	-	6PM	10/26					
	7AM	-	5PM	11/03, 11/04, 11/09, 11/17, 11/23					
12, 12B:	7AM	-	6PM	10/20, 10/26					
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/17					
12C:	7AM	-	5PM	11/17, 11/23))					
AREA	TIME	DATE	TIME	DATE					
7, 7A:	7AM	:	6PM	10/19, 10/25					
	7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/10, 11/11					
7B:	6AM	9/7	4PM	9/9					
	6AM	9/13	4PM	9/15					
	6AM	9/19	4PM	10/23					
	6AM	10/25	4PM	10/29					
	6AM	11/1	4PM	11/5					
	6AM	11/8	4PM	11/12					
	6AM	11/15	4PM	11/19					
	6AM	11/22	4PM	11/26					
	6AM	11/29	4PM	12/3					
	6AM	12/6	4PM	12/10					
8:	7AM	:	6PM	10/25					
	7AM	:	5PM	11/2, 11/8, 11/16, 11/22					
8A:	5AM	:	9PM	8/24, 8/30					
	7AM	:	7PM	10/11					
	7AM	:	6PM	10/20, 10/21, 10/25, 10/26					
	7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/17, 11/18, 11/22, 11/23, 11/24					
8D:	7AM	:	7PM	9/21, 9/22, 9/23, 9/28, 9/29, 9/30, 10/4, 10/5, 10/6, 10/7, 10/11					

It is unlawful to retain chinook salmon taken with purse seine gear. It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 97-124, filed 7/29/97, effective 8/29/97)

**WAC 220-47-325 Purse seine—Release of incidentally caught fish.** (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) During Fraser sockeye and pink salmon species seasons in Areas 7 and 7A, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-401 Reef net open periods.** During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound

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Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7,7A	7AM - 7PM Daily	((DAILY 9/7-9/11 9/14-9/18 9/21-9/25 9/28-10/2 10/5-10/9 10/12-10/16 10/19-10/23 10/26-10/30 11/2-11/6 11/9-11/13)) 9/12 through 11/13

It is unlawful to retain chinook salmon taken with reef net gear. It is unlawful to retain coho salmon taken with reef net gear while the Fraser River Panel of the Pacific Salmon Commission maintains regulatory control of fisheries in Area 7. It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-410 Gill net—Daily hours.** It ((shall be)) is unlawful to take or fish ((for sockeye or pink salmon)) during the Fraser sockeye and pink salmon species seasons in Areas 7 or 7A with gill net gear from 12:00 midnight to 1.5 hours after sunrise.

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-411 Gill net—Open periods.** During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

(AREA	TIME	DATE(S)
6D:	7AM-7PM Daily	9/21-9/25 9/28-10/2 10/5-10/9 10/12-10/16 10/19-10/23

Note: Area 6D skiff gill net only. It is unlawful to retain chinook, pink, or chum salmon in Area 6D.

7,7A:	7AM-7PM 7AM-6PM	10/19 10/27, 11/2, 11/3, 11/9, 11/10, 11/11, 11/12
7B:	7PM-9AM 6AM -9/8 - 6AM 9/14 -	NIGHTLY -8/17, 8/24, 8/31 4PM 9/11 4PM 9/18

	6AM 9/20 -	4PM 10/31
	6AM 11/2 -	4PM 11/6
	6AM 11/9 -	4PM 11/13
	6AM 11/16 -	4PM 11/20
	6AM 11/23 -	4PM 11/27
	6AM 11/30 -	4PM 12/4
	6AM 12/7 -	4PM 12/11
7C:	7PM-9AM	NIGHTLY -8/17, 8/24, 8/31
8:	7AM-6PM 7AM-5PM	10/27, 11/2, 11/10, 11/16 11/24
8A:	7AM-7PM 7AM-6PM	10/19, 10/20 10/28, 10/29, 11/2, 11/3, 11/11, 11/12, 11/16, 11/17
	7AM-5PM	11/23, 11/24, 11/25, 12/2, 12/3
8D:	6PM-8AM	NIGHTLY -9/21-9/24 9/28-10/1 10/5-10/8 10/12-10/15
	7AM-7PM 7AM-6PM	10/19, 10/20 10/28, 10/29, 11/2, 11/3, 11/11, 11/12, 11/16, 11/17
	7AM-5PM	11/23, 11/24, 11/25, 12/2, 12/3
9A:	6AM -9/13 through	4PM -10/31
10, 11:	5PM-8AM 4PM-8AM	10/26, 10/27 NIGHTLY -11/2, 11/3, 11/9, 11/16, 11/23
12, 12B:	7AM-7PM 7AM-6PM	10/19 10/27, 11/2, 11/3, 11/11, 11/12, 11/16
12C:	7AM-6PM 7AM-5PM	11/16 11/24

All other saltwater and freshwater areas—closed.  
Nightly openings refer to the start date(s))

AREA	TIME	DATE(S)
6D:	7AM - 7PM	9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22

Note: Area 6D skiff gill net only, using 5-inch minimum and 5 1/2-inch maximum mesh. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish.

7,7A:	7AM - 8PM	10/18, 10/26, 11/1, 11/2, 11/8, 11/9, 11/10, 11/11
7B:	7PM-9AM 6AM 9/7 - 6AM 9/13 -	NIGHTLY 4PM 9/9 4PM 9/15

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AREA	TIME	DATE(S)
	6AM	9/19 : 4PM 10/23
	6AM	10/25 : 4PM 10/29
	6AM	11/1 : 4PM 11/5
	6AM	11/8 : 4PM 11/12
	6AM	11/15 : 4PM 11/19
	6AM	11/22 : 4PM 11/26
	6AM	11/29 : 4PM 12/3
	6AM	12/6 : 4PM 12/10
7C:	7PM-9AM	NIGHTLY 8/16, 8/23, 8/24, 8/30, 8/31
8:	6AM	: 11PM 8/24, 8/30
	7AM	: 8PM 10/26, 11/1, 11/9, 11/15, 11/23
8A:	6AM	: 11PM 8/23, 8/31
	7AM	: 8PM 10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2, 11/10, 11/11, 11/15, 11/16, 11/22, 11/23, 11/24
8D:	6PM-8AM	NIGHTLY 9/20, 9/21, 9/22, 9/27, 9/28, 9/29, 10/4, 10/5, 10/6, 10/7
	7AM	: 8PM 10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2, 11/10, 11/11, 11/15, 11/16, 11/22, 11/23, 11/24
9A:	6AM	9/19 through 4PM 10/30
10, 11:	5PM-8AM	NIGHTLY 10/18, 10/25
	4PM-8AM	NIGHTLY 11/1, 11/2, 11/8, 11/15
12, 12B:	7AM	: 8PM 10/18, 10/26, 11/1, 11/2, 11/10, 11/11, 11/15
12C:	7AM	: 8PM 11/15, 11/23
All other saltwater and freshwater areas - closed.		
Nightly openings refer to the start date.		

the open fishing period, except that during the Fraser sockeye and pink salmon species season in Areas 7 and 7A "participation" means the holder of the Quilcene permit being aboard the designated vessel in the open fishery area)) two days each week during the open fishing period.

(b) If the Quilcene permit holder fails to participate, the Quilcene permit issued to that fisher will be void and a new Quilcene permit will be issued through a random drawing from the applicant pool established in 1996.

(c) The department may require proof of participation by registering with state, federal or tribal officials each day the Quilcene permit holder participates.

(d) Persons who participate, but violate conditions of a Quilcene permit, will have the permit voided and a new Quilcene permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) Chum salmon may not be retained by a Quilcene permit holder. Chum salmon must be released alive, or, at the direction of federal or state officials, submitted for brood-stock purposes.

~~((5))~~ (6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a Quilcene permit will have his or her name permanently withdrawn from the pools.

~~((6))~~ (7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.**

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five Quilcene Bay salmon beach seine experimental fishery permits (Quilcene permits).

(3) The following is the selection process the department will use to offer a Quilcene permit.

(a) Persons who held a Quilcene Bay salmon beach seine experimental fishery permit in ~~((1997))~~ 1998 will be eligible for a permit in ~~((1998))~~ 1999.

(b) The department established a pool of applicants by drawing on September 9, 1996. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the Quilcene Bay salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the Quilcene permit being aboard the designated vessel in the open fishery area ~~((four days each week during~~

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-47-428 Beach seine—Open periods.**

During ~~((1997))~~ 1999, 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 provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE(S)
12A:	7AM - 7PM Daily	<del>((8/31-9/4</del> 9/7-9/11 9/14-9/18 9/21-9/25 9/28-10/2 10/5-10/9)) 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15

PROPOSED

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-47-412            Drift gill net and skiff gill net—Mesh sizes.

**NEW SECTION**

**WAC 220-47-430 Puget Sound commercial salmon—Log book required.** It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound SMCRA 7 and 7A during the Fraser sockeye and pink salmon season set out in WAC 220-47-304 to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided for in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRA 7 and 7A, or while in possession of fish caught in these areas. The fisher must submit the completed log book for inspection immediately upon request by authorized department representatives.

(2) In each purse seine log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the fisher shall record the Puget Sound Commercial Salmon Log Book Location Code, the time of the retrieval, and the number of chinook, coho and chum salmon in the net upon retrieval.

(3) In each gill net log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the vessel operator shall record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set, and the number of chinook, coho and chum salmon in the net upon retrieval.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(b) Location Code 2: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(c) Location Code 3: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 77A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart

18421 [38th ed., Oct. 31/92]) and southerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421 [38th ed., Oct. 31/92]).

(f) Location Code 6: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 77A boundary line.

(5) In each reef net log book the fisher shall record the fisher's name and license number and the location of the fishing site. For each day fished the fisher shall record the date and the total number of chinook, coho and chum salmon caught.

(6) All log books must be sent to the department no later than October 10 of each year.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 99-19-169****PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed September 22, 1999, 11:14 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-16-042.

Title of Rule: Form for reporting loans received, paid, forgiven or outstanding—Schedule L (to Form C-3 or C-4).

Purpose: To update the loan reporting form in compliance with RCW 42.17.090(l)(k) and WAC 390-16-034 in reporting an individual's occupation and the name, city and state of the individual's employer when a contribution of \$100 or more is received by a candidate or political committee.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.090.

Summary: The proposed amendment would allow space on the Schedule L form to report the occupation and the name, city and state of an individual's employer if such individual loans money or anything of value to a campaign.

Reasons Supporting Proposal: Persons who loan money or anything of a value to a campaign are making a contribution to the campaign. However, currently, the loan reporting form does not accommodate reporting of occupation and employer information on the face of the form. The commission determined that it is appropriate for the actual form to be amended to include space for reporting an individual's occupation and the name, city and state of his or her employer.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Com-

PROPOSED



mission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Pursuant to RCW 42.17.090(1) and WAC 390-16-034, if an individual contributes \$100 or more to a candidate or political committee, the recipient must report that individual's occupation and the name, city and state of the individual's employer.

Anyone who loans money or anything of value to a campaign has made a contribution to the campaign. However, the current loan reporting form does not accommodate reporting of the required occupation and employer information.

The actual loan reporting form — Schedule L (to the C-3 or C-4 form) — would be amended to include space for reporting this information.

The proposed Schedule L would also accommodate reporting of in-kind loans as well as monetary loans.

Proposal Changes the Following Existing Rules: The changes provide a space on the PDC Form Schedule L (to the C-3 or C4 forms) for an individual's occupation and the name, city and state of the individual's employer if they loan money or anything of value to a campaign in the amount of \$100 or more.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not have an impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on October 26, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Ruthann Bryant, 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by October 15, 1999.

Date of Intended Adoption: October 26, 1999.

September 22, 1999

Vicki Rippie

Acting Executive Director

Schedule B, revised 11/93, Schedule C, revised 3/93, and Schedule L, revised ((11/93)) 12/99.

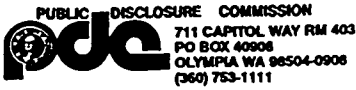
(2) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised 11/93.

(3) Copies of these forms are available at the Commission Office, 711 Capitol Way, Room 403, ((~~Evergreen Plaza Building~~)) P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 97-06-085, filed 3/3/97, effective 4/3/97)

**WAC 390-16-041 Forms—Summary of total contributions and expenditures.** (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," revised 3/97, and includes Schedule A, revised 11/93,



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 (3/97)

PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)

Mailing Address

City

Zip + 4

Office Sought (Candidates)

Report Period Covered

From (last C-4)

To (end of period)

Final Report?

Yes No

\*For PACs, Parties & Caucus Committees: During this report period, did the committee make an independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?

\*See reverse side.

Yes No

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4)
2. Cash received (From line 2, Schedule A)
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)
6. Corrections (From line 1 or 3, Schedule C)
7. Net adjustments this period (Combine line 5 & 6)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES

- 10. Previous total cash and in kind expenditures (From line 17, last C-4)
11. Total cash expenditures (From line 4, Schedule A)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)
15. Corrections (From line 2 or 3, Schedule C)
16. Net adjustments this period (Combine lines 14 & 15)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES ONLY

Table with columns: Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election.

Treasurer's Daytime Telephone No.:

( )

CASH SUMMARY

- 18. Cash on hand (Line 8 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
20. Balance (Surplus or deficit) (Line 18 minus line 19)

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature

Date

PROPOSED



PDC FORM <b>C4</b> <small>(3/97)</small>	<b>SUMMARY OF RECEIPTS          AND EXPENDITURES</b>
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**Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.**

**WHO MUST FILE**

Each candidate and political committee using Full Reporting.

**FILING DATES**

- 1) File with C-1 or C-1pc (Registration form) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
  - 21 days prior to the election
  - 7 days prior to the election
  - 10th of the first month after the election — see note below

(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)
- 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

**WHERE TO SEND REPORTS**

Send original C-4 reports, along with all schedules and attachments, to PDC. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.

**\*FOR ALL PACS, POLITICAL PARTIES & CAUCUS POLITICAL COMMITTEES**

The question posted near the top of the front side of this form regarding independent expenditures applies to **ALL POLITICAL COMMITTEES** required to file C-4 reports, **except ballot issue committees** that neither contribute to candidates nor make independent expenditures regarding them and **candidate committees** (because they are prohibited from making expenditures that are not directly related to their own campaigns).

**All other Political Committees and PACs must indicate whether they made any independent expenditures supporting or opposing one or more candidates for state or local office.**

If the response is "yes," the independent expenditure(s) **MUST** be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:

- the date of the expense;
- the name and address of the vendor or recipient of the funds;
- if using Schedule A, an "I" in the Code column;
- the name and office sought of the candidate supported or opposed;
- an indication of support or opposition; and
- a brief description of the expense (e.g., brochure mailed to absentee voters).

**PROPOSED**

# CASH RECEIPTS AND EXPENDITURE

**SCHEDULE A**  
 to C4  
(11/93)

Candidate or Committee Name (Do not abbreviate. Use full name.)

**1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.**

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits

**2. TOTAL CASH RECEIPTS**

Enter also on line 2 of C4 \_\_\_\_\_

**CODES FOR CLASSIFYING EXPENDITURES:** If one of the following codes is used to describe an expenditure, no other description is generally needed.

The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveller and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE  
DEFINITIONS  
ON REVERSE

- C - Contributions (monetary, in-kind & transfers)
- I - Independent Expenditures
- L - Literature, Brochures, Printing
- B - Broadcast Advertising (Radio, TV)
- N - Newspaper and Periodical Advertising
- O - Other Advertising (yard signs, buttons, etc.)
- V - Voter Signature Gathering

- P - Postage, Mailing Permits
- S - Surveys and Polls
- F - Fundraising Event Expenses
- T - Travel, Accommodations, Meals
- M - Management/Consulting Services
- W - Wages, Salaries, Benefits
- G - General Operation and Overhead

**3. EXPENDITURES**

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	

Total from attached pages \_\_\_\_\_

**4. TOTAL CASH EXPENDITURES**

Enter also on line 11 of C4 \_\_\_\_\_

PROPOSED

## EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

PROPOSED

# IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE **B**  
to C4  
(11/83)

Candidate or Committee Name (Do not abbreviate. Use full name.)

**1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)**

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I G E N		If \$100 or more, Employee Name, City, State & Occu
							Occupation
							Occupation
							Occupation
<input type="checkbox"/> Check here if additional pages are attached		<b>TOTAL</b> (Enter also on line 3 and line 12 of C4)					Occupation

**2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.**

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I G E N		If \$100 or more, Employee Name, City, State & Occu
						Occupation
						Occupation
<input type="checkbox"/> Check here if additional pages are attached		<b>TOTAL</b> (include new pledges above and all other outstanding pledges. (Enter also on line 9 of C4)				Occupation

**3. ORDERS PLACED, DEBTS, OBLIGATIONS. (Give estimate if actual amount not know. Exclude loans. Report loans on Schedule L.)**

- a. List each debt, obligation or estimated expenditure that is more than \$250.00.
- b. List each debt, obligation or estimated expenditure that is more than \$50.00 and has been outstanding for over 30 days.

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code*	OR	Description of Obligation
<input type="checkbox"/> Check here if additional pages are attached		<b>TOTAL</b> (Include in line 19 of C4)			

\*CODE DEFINITIONS ON REVER:

PROPOSED

## EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

**CORRECTIONS**

SCHEDULE **C**  
to C4

Candidate or Committee Name (Do not abbreviate. Use full name.)

Date

**1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)**

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to contributions Enter on line 6 of C4. Show + or (-).		

**2. EXPENDITURES (Include mathematical corrections.)**

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to expenditures Enter on line 15 of C4. Show + or (-).		

**3. REFUNDS FROM VENDORS.** The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, Line 1d.

Date of refund	Source / person making refund	Amount of refund
		Total refunds Enter as (-) on line 6 & line 15 of C4.

PROPOSED



# LOANS

See instructions and examples on reverse

SCHEDULE TO C3 OR C4

**L**  
(11/93)

Candidate or committee name

### 1. LOAN RECEIVED. (Loans are considered contributions and are subject to any applicable limit.)

Date loaned	Lender's name and address	<table border="1"><tr><td>P</td><td>G</td></tr><tr><td>R</td><td>E</td></tr><tr><td>I</td><td>N</td></tr></table>	P	G	R	E	I	N	Amount of loan	Annual interest rate	Repayment schedule	Date due
P	G											
R	E											
I	N											

Also include this amount on line 1c, C3 report →

Name and Address of Each Loan Endorser, Co-signer

P	G
R	E
I	N

Amount Liable For	Aggregate Total	If Total Contributed is \$100 or More, SF Endorser's Occupation and Name, City State of Employer

Check here if continued on attached sheet.

### 2. LOAN PAYMENTS. (Candidates may be repaid amount loaned or \$3,000 per election, whichever is less. See instruction manual for details.)

Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance ow

Total Principal Paid (Enter also on lines 5 and 14, C-4 report) →

Total Payments (Enter as an expenditure on Schedule A) →

### 3. LOAN FORGIVEN.

Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance ow

### 4. LOAN STILL OWED. (List each loan which has previously been reported and still has balance due.)

Date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount ow

Subtotal

New loans received during this reporting period

Total Loans Owed (Include in total on line 19, C-4 report)

Check here if continued on attached sheet.

PROPOSED



SCHEDULE TO C3 OR C4	<b>L</b> (11/93)	<b>LOANS</b>
----------------------------	---------------------	--------------

Please consult PDC instruction manuals when completing this schedule.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

**WHO MUST FILE** Each candidate and political committee using full reporting that receives one or more campaign loans..

**FILING DATES** When a loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

PROPOSED

LOAN RECEIVED  
 (Information will appear on separate Schedule L)

LOAN PAYMENTS

LOAN FORGIVEN

LOANS STILL OWED

LOANS		See instructions and examples on reverse		SCHEDULE TO C3 OR C4		L (11/93)	
Candidate or committee name Adrian Adams for State Representative							
<b>1. LOAN RECEIVED.</b> (Loans are considered contributions and are subject to any applicable limit.)							
Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Payment schedule	Date due		
2/12/9X	Tyler Adams (candidate's wife)	\$500	12%	\$100/month	Not fixed		
2/12/9X	Tyler Adams	500	Same	Same	Same		
		Also include this amount on the C-3 report → \$1,000					
Name and Address of Each Loan Lender's Employer		Amount Liable For	Aggregate Total	If Total Contributed to \$100 or More, Show Employer's Occupation and Name, City, & State of Employer			
Conrad Smith 8419 West View Court Anyplace, WA 90000		\$500	\$500	ABC Company, Madison, WI Sales Manager			
<input type="checkbox"/> Check here if continued on attached sheet.							
<b>2. LOAN PAYMENTS.</b> (Candidates may be repaid amount loaned, \$5,000 per election, which ever is less. See instruction manual for details.)							
Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed		
3/30/9X	Tyler Adams	\$100	\$10	\$110	\$300		
3/31/9X	Michael Murray	700	None	100	400		
		Total Principal Paid (Enter also on lines 8 and 14, C-4 report) →		Total Payments (Enter as an expenditure on Schedule A) →			
		\$200		\$210			
<b>3. LOAN FORGIVEN.</b>							
Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed		
3/15/9X	Kelly Adams	\$250	None	\$150	\$100		
<b>4. LOAN STILL OWED.</b> (List each loan which has previously been reported and still has a balance due.)							
Date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed			
2/12/9X	Tyler Adams	\$1,000	\$100	\$ 900			
1/22/9X	Michael Murray	500	100	400			
3/01/9X	Kelly Adams	250	150	100			
3/11/9X	K. M. Lawrence	1,000	0	1,000			
		Subtotal		\$2,400			
		New loans received during this reporting period		0			
		Total Loans Owed (Include in total on the 14, C-4 report)		\$2,400			
<input type="checkbox"/> Check here if continued on attached sheet.							

# LOANS

See Instructions and Example on reverse

**SCHEDULE  
TO C3  
OR C4**

**L**

(12/99)

Report Date

Candidate or Committee Name

**1. MONETARY OR IN-KIND LOAN RECEIVED.** Loans are considered contributions and are subject to any applicable limit.

Date Loaned	Lender's Name and Address	P R I	G E N	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
If monetary loan, also include this amount on line 1c, C3 report. If in-kind loan, itemize in Part 1 of Schedule B.							
Name and Address of Each Loan Endorser, Co-Signer		P R I	G E N	Amount Liabie For (Same as Loan Amount)	Aggregate Total	If Total Contributed is \$100 or More, Show Endorser's Occupation and Name, City, & State of Employer	

Continued on attached sheet

**2. LOAN PAYMENTS.** Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, whichever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owec
Total Principal Paid Enter also on lines 5 and 14, C-4 report				Total Payments Enter as an expenditure on Schedule A	

**3. LOANS FORGIVEN.**

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owec
------	---------------------------	-----------------	------------------	-----------------	--------------

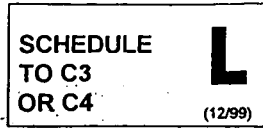
**4. LOANS STILL OWED.** List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owec
Subtotal				_____
New Loans Received (and listed in Item 1 above)				_____
Total Loans Owed Include in total on line 19, C-4 report				_____

Continued on attached sheet.

**PROPOSED**

**LOANS**



Please consult PDC instruction manuals when completing this schedule.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

**WHO MUST FILE** Each candidate and political committee using full reporting that receives one or more campaign loans.

**FILING DATES** When a monetary loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

When an in-kind loan is received, complete Part 1 and file Schedule L along with the Schedule B (to the C-4) that itemizes the in-kind contribution.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

PROPOSED

**Example LOANS**



Candidate or Committee Name		Report Date			
Adrian Adams for State Representative		12/22/XXXX			
<b>1. MONETARY OR IN-KIND LOAN RECEIVED.</b> Loans are considered contributions and are subject to any applicable limit.					
Date Loaned	Lender's Name and Address	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	\$ 500.00	12%	\$100/month	Not fixed
If monetary loan, also include this amount on line 1c, C3 report. If in-kind loan, itemize in Part 1 of Schedule B.		\$ 500.00		If Total Contributed is \$100 or More, Show Lender's Occupation and Name, City, & State of Employer Accountant; Best Accounting Firm; Tacoma, WA	
Name and Address of Each Loan Endorser, Co-Signer		Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributed is \$100 or More, Show Endorser's Occupation and Name, City, & State of Employer	
<input type="checkbox"/> Continued on attached sheet					
<b>2. LOAN PAYMENTS.</b> Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, which ever is less. See instruction manual.					
Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
3/30/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 100.00	\$ 10.00	\$ 110.00	\$ 400.00
3/31/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	100.00	\$ 0	100.00	250.00
Total Principal Paid Enter also on lines 5 and 14, C-4 report		\$ 200.00		Total Payments Enter as an expenditure on Schedule A	\$ 210.00
<b>3. LOANS FORGIVEN.</b>					
Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed
3/15/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	\$ 250.00	\$ 0	\$ 150.00	\$ 100.00
<b>4. LOANS STILL OWED.</b> List each loan that has previously been reported and still has a balance due.					
Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed	
1/22/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 500.00	\$ 100.00	\$ 400.00	
2/12/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA		350.00	250.00	
3/01/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA		250.00	100.00	
3/11/XXXX	K.M. Lawrence PO Box 3456, Olympia, WA		1,000.00	1,000.00	
				Subtotal	\$ 1,750.00
				New Loans Received (and listed in Item 1 above)	\$ 0
				Total Loans Owed Include in total on line 19, C-4 report	\$ 1,750.00
<input type="checkbox"/> Continued on attached sheet.					

LOAN RECEIVED  
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED



# ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

**ABB  
C4**  
(11/83)

P  
M  
A  
R  
K  
  
R  
E  
C  
E  
I  
V  
E  
D

PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)

Mailing Address

City \_\_\_\_\_ Zip + 4 \_\_\_\_\_ Office Sought (Candidates) \_\_\_\_\_

1. PERIOD COVERED BY REPORT: From: \_\_\_\_\_ To: \_\_\_\_\_ Final Report: Yes \_\_\_\_\_ No \_\_\_\_\_

- a. Candidates: Start of campaign through the end of the month in which the election occurred.
- b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
- c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
- d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

### 2. RECEIPTS

- a. Cash on hand from previous campaign or year (include money in checking, savings and other accounts) \_\_\_\_\_
- b. Cash contributions received this campaign or year (include monetary contributions, loans, fund raising and cash contributions by a candidate) \_\_\_\_\_
- c. Total cash receipts (Add lines 2a + 2b) \_\_\_\_\_
- d. Other contributions, including in-kind (include candidate's and committee workers' out of pocket expenditures, donated goods and services, filing fees paid by others and similar non-cash contributions) \_\_\_\_\_
- e. Total contributions (Add lines 2c + 2d) \_\_\_\_\_

### 3. EXPENSES

- a. Cash expenditures \_\_\_\_\_
- b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.) \_\_\_\_\_
- c. Total expenditures (Add lines 3a + 3b) \_\_\_\_\_

### 4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c) \_\_\_\_\_
- b. Debts and obligations owed \_\_\_\_\_
- c. Surplus or deficit \_\_\_\_\_

CANDIDATES		Won	Lost	Unopposed	Name not on ballot
Please complete:					
Primary election		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's Signature \_\_\_\_\_ Date \_\_\_\_\_ Treasurer's Signature (if a political committee) \_\_\_\_\_ Date \_\_\_\_\_

SEE INSTRUCTIONS ON REVERSE

PDC Form P4ARR (Rev. 11/83) \* \* \*

PROPOSED



Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Each candidate and political committee using Abbreviated Reporting.
- FILING DATES**
- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
  - 2) Candidates who lose in the primary and political committees supporting or opposing primary election ballot issues file on October 10.
  - 3) Candidates who are in the general election and political committees making expenditures supporting or opposing general election candidates or ballot measures file on December 10.
  - 4) Continuing political committees not taking part in elections during a year file annual reports on January 10 cover the preceding calendar year.
  - 5) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.
- All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

**WHERE TO FILE** Send original C-4 ABB report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

(Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees check with city clerk regarding any local filing requirement.)

PROPOSED

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

**WSR 99-19-170**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed September 22, 1999, 11:15 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-16-043.

Title of Rule: Auction reporting form—Attachment Au (to PDC Form C-3).

Purpose: To update the Auction Reporting Form in compliance with RCW 42.17.090 (1)(k) and WAC 390-16-034 in reporting an individual's occupation and the name, city and state of the individual's employer when a contribution of \$100 or more is received by a candidate or political committee.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.090.

Summary: The proposed amendment would allow space on the Au form to report the occupation and the name, city and state of an individual's employer if such individual donates or purchases items of \$100 or more at campaign auctions.

Reasons Supporting Proposal: To assist filers in meeting their reporting obligations.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Pursuant to RCW 42.17.090(1) and WAC 390-16-034, if an individual contributes \$100 or more to a candidate or political committee, the recipient must report that individual's occupation and the name, city and state of the individual's employer.

Persons who donate to and purchase items at campaign auctions are making contributions to the campaign. However, currently, the auction reporting form does not accommodate reporting of this occupation and employer information on the face of the form. Instead, the form directs filers to attach a sheet giving the required information.

The actual Auction Reporting Form — Attachment Au — would be amended to include space for reporting this information.

Proposal Changes the Following Existing Rules: The changes provide a space on the PDC Form Au (Attachment to C-3) for an individual's occupation and the name, city and

state of the individual's employer if they donate or purchase items at a campaign auction of \$100 or more.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not have an impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on October 26, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Ruthann Bryant, 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by October 15, 1999.

Date of Intended Adoption: October 26, 1999.

September 22, 1999

Vicki Rippie

Acting Executive Director

AMENDATORY SECTION (Amending WSR 94-05-011, filed 2/3/94, effective 3/6/94)

**WAC 390-16-032 Forms—Auction report.** The official form for reporting items donated and sold at auctions, as required by RCW 42.17.090 (1)(b), is designated "Attachment Au," revised ((11/93)) 12/99. This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 403, ((Evergreen Plaza Building)) P.O. Box 40908, Olympia, Washington, 98504-0908.

PROPOSED

# AUCTION REPORT

ATTACHMENT  
TO C3  
(11/83)

# Au

Use this form as an attachment to C3 to report items donated and sold at auctions.  
Please see the reverse for an example of a report.

Candidate or Committee Name	Date auction was held
-----------------------------	-----------------------

Item No. Description	Name and Address	P	R	G	E	Fair market value	Sale price	Amount over fair market value	Aggreg Total
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Contributor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Buyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

PROPOSED

Cash receipts, this page  
(Total, sale price column) →

Total from attached pages →

Total cash receipts  
(Put this amount in part 1d of C3 report) →

\*If an individual—whether contributor or buyer—has \$100 or more to the campaign, show his or her occupation, employer's name, city & state on attached sheet.

See instructions on reverse

I certify that the information herein is true, correct and complete to the best of my knowledge	
Treasurer's signature	Date



**INSTRUCTIONS**

**Item No./Description:** As each item to be auctioned is received, assign it a number and a brief description.

**Contributor:** The person or organization that donates an item or service to be auctioned. If the campaign purchases items for auction state "purchased by committee" under contributor's name. If auction is held by state office candidate, designate which election (PRI or GEN) contribution is for. Contribution amount is fair market value of item or service and is subject to any applicable contribution limit. Adjust fair market value amount if sold for less than initial fair market value. See No. 2 below.

**Buyer:** The person who buys the item or service being auctioned. If auction is held by state office candidate, designate which election (PRI or GEN) buyer is giving to when purchase price exceeds fair market value amount.

**Fair Market Value:** The retail value of the article. Adjust if amount paid is less than fair market value. See No. 2 below.

**Sale Price:** The amount the buyer paid for the item or service.

**Amount Over Fair Market Value:** The amount the sale price exceeds fair market value. If sale price is less than or equal to the fair market value, leave blank. The amount paid in excess of fair market value is a contribution from the buyer and is subject to any applicable contribution limit.

**Aggregate Total:**

**Contributor:** Fair market value of the donation plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

**Buyer:** Amount over fair market value plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

**Cash Payments:** No cash payment of more than \$50 may be accepted unless a receipt, signed by the buyer and the candidate, treasurer or deputy treasurer, is prepared and made part of the campaign's financial records.

**AUCTION REPORT**

Use this form as an attachment to C3 to report items donated and sold at auctions.

Candidate or committee name Sam Smith for State Senate					Date auction was held Sept. 14, 199X		
Item No. description	Name and address	PRI	GEN	Fair market value	Sale price	Amount over fair market value	Aggregate Tot
No. 1 Use Beach Cabin	Contributor John Doe 200 "A" Street, Seattle, WA 98101	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$100			\$100
	Buyer Mary Smith 400 "B" Street, Tacoma, WA 98402	<input type="checkbox"/>	<input checked="" type="checkbox"/>		\$125	\$25	\$25
No. 2 Dinner For 4	Contributor Sam Brown 123 Military Road, Anytown, WA 98101	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$80			\$80
	Buyer Tom Mix Rt. 2, Box 1, Saddle Mt., WA 98900	<input type="checkbox"/>	<input type="checkbox"/>		\$60		
No. 3 Boat Cruise	Contributor Capt. Moby Dick 401 Waterfront, Poulsbo, WA 98701	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$75			\$75
	Buyer Merri Ryder 204 E. Land, Myberg, WA 99100	<input type="checkbox"/>	<input checked="" type="checkbox"/>		\$90	\$15	\$15
Cash receipts, this page (Total, sale price column)					\$275		
Total from attached pages					0		
Total cash receipts (Put this amount in part 1d of C3 report)					\$275		

PROPOSED

**AUCTION REPORT**

Use this form as an attachment to C3 to report items donated and sold at auctions. Please see the reverse for an example of a report.

ATTACHMENT  
TO C3

**Au**

(12/99)

Page

Candidate or Committee Name (Do not abbreviate. Use full name.)

Date Auction was held

Item No. Description	Name and Address	P R I	G E N	Fair Market Value	Sale Price	Amount Over Fair Market Value	Aggregate Total*
Contributor							
*Occupation and Employer:							
Buyer							
*Occupation and Employer:							
Contributor							
*Occupation and Employer:							
Buyer							
*Occupation and Employer:							
Contributor							
*Occupation and Employer:							
Buyer							
*Occupation and Employer:							
Contributor							
*Occupation and Employer:							
Buyer							
*Occupation and Employer:							

\*If an individual – whether a contributor or buyer – has given \$100 or more in the aggregate to the campaign, show his or her occupation and the name, city & state of his or her employer.

Cash receipts, this page	→
Total, sale price column	→
Total from attached pages	→
Total cash receipts	→
Put this amount in part 1d of C3 report	→

I certify that the information herein is true, correct and complete to the best of my knowledge.  
 Treasurer's signature \_\_\_\_\_ Date \_\_\_\_\_

PROPOSED

**INSTRUCTIONS**

**Item No./Description:** As each item to be auctioned is received, assign it a number and a brief description.

**Contributor:** The person or organization that donates an item or service to be auctioned. If the campaign purchases items for auction, state "purchased by committee" under contributor's name. If auction is held by state office candidate, designate which election (PRI or GEN) contribution is for. Contribution amount is fair market value of item or service and is subject to any applicable contribution limit. Adjust fair market value amount if sold for less than initial fair market value. See No. 2 below.

**Buyer:** The person who buys the item or service being auctioned. If auction is held by state office candidate, designate which election (PRI or GEN) buyer is giving to when purchase price exceeds fair market value amount.

**Fair Market Value:** The retail value of the article. Adjust if amount paid is less than fair market value. See No. 2 below.

**Sale Price:** The amount the buyer paid for the item or service.

**Amount Over Fair Market Value:** The amount the sale price exceeds fair market value. If sale price is less than or equal to the fair market value, leave blank. The amount paid in excess of fair market value is a contribution from the buyer and is subject to any applicable contribution limit.

**Aggregate Total:**

**Contributor:** Fair market value of the donation plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

**Buyer:** Amount over fair market value plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

**If Cash is Received:** RCW 42.17.740 says that a political committee must make all of its monetary contributions by check (or other written instrument). However, individuals, businesses, unions and other entities may use currency to make small contributions. The maximum amount of a currency contribution is periodically adjusted by PDC. See WAC 390-05-400 or contact PDC. If the campaign receives cash contributions, each of which does not exceed the maximum, but is more than \$50, prepare a receipt – signed by the donor and either the candidate, treasurer or deputy treasurer – and keep it as part of the campaign records.

**Example of Auction Report**

Candidate or Committee Name (Do not abbreviate. Use full name.)				Date Auction was held			
Sam Smith for State Senate				09/14/XXXX			
Item No. Description	Name and Address	PRI	GEN	Fair market value	Sale price	Amount over fair market value	Aggregate Total*
No. 1 Use of Beach Cabin for Week	Contributor John Doe 200 "A" Street, Seattle, WA 98101 *Occupation and Employer: Accountant; CPA Firm, Seattle, WA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ 500.00			\$ 500.00
	Buyer Mary Smith 400 "B" Street, Tacoma, WA 98402 *Occupation and Employer: Homemaker	<input type="checkbox"/>	<input checked="" type="checkbox"/>		\$ 600.00	\$ 100.00	\$ 100.00
No. 2 Dinner For 4	Contributor Sam Brown 123 Military Road, Anytown, WA 98101 *Occupation and Employer: Contractor; Sam's Decks, Anytown, WA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ 200.00			\$ 150.00
	Buyer Tom Mix Rt. 2, Box 1, Saddle Mt., WA 98900 *Occupation and Employer: Manager; ABC Retail, Saddle Mt., WA	<input type="checkbox"/>	<input type="checkbox"/>		\$ 150.00		
Cash receipts, this page					\$ 750.00		
Total, sale price column					\$ 0		
Total from attached pages					\$ 750.00		
Total cash receipts							
Put this amount in part 1d of C3 report							

PROPOSED

**WSR 99-19-171**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed September 22, 1999, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-16-044.

Title of Rule: Registration statement for political committees—Form C-1pc.

Purpose: To implement chapter 401, Laws of 1999 (E2SSB 5931), amending the provision that relates to public inspection of campaign books during the eight days before an election.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.040 and [42.17].080.

Summary: The proposed amendment to WAC 390-16-011 effectuates the statutory amendment in E2SSB 5931. The form is also modified to include space for reporting the campaign's electronic mail address and other changes necessary to implement RCW 42.17.040.

Reasons Supporting Proposal: The proposed amendment provides needed guidance to political committees who are required to open their campaign books to public inspection under RCW 42.17.080 and changes clarifying reporting status under RCW 42.17.040.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Political committees that receive contributions or make expenditures in an election have been required to open their campaign books to public inspection for two consecutive hours between 8 a.m. and 8 p.m. during the eight days before an election, except on weekends and legal holidays.

As of July 25, 1999, the law requires that Single Election-Year Committee campaign books be available for two consecutive hours between 8 a.m. and 8 p.m. on the eighth day before an election, even if this Monday is a legal holiday, and by appointment on the other seven days of the eight day period, except weekends and legal holidays. Continuing political committee are not effected by the statutory amendment.

The proposed rule also includes a space for reporting a campaign's electronic mail address and clarifies the reporting status of political committees.

Proposal Changes the Following Existing Rules: The changes clarify RCW 42.17.080 as it impacts political committees which are required to open their campaign books to public inspection eight days before an election in light of the statutory amendments under chapter 401, Laws of 1999. The proposal also requires noncontinuing committees to disclose

information specified in RCW 42.17.040 (2)(f), and adds a space for reporting a political committee's electronic mail address.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not have a financial impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on October 26, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Ruthann Bryant, 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by October 15, 1999.

Date of Intended Adoption: October 26, 1999.

September 22, 1999

Vicki Rippie

Acting Executive Director

AMENDATORY SECTION (Amending WSR 94-05-011, filed 2/3/94, effective 3/6/94)

**WAC 390-16-011 Forms—Registration statement for political committees.** The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc," revised ((11/93)) 12/99. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 403, ((Evergreen Plaza Building)) P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.



REGISTRATION: POLITICAL COMMITTEES

C1P (11/93) POST RECEIVED PDC OFFICE USE

Committee Name (Show entire official name.) Acronym

Mailing Address City County Zip + 4

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? COMMITTEE STATUS

1. What is the purpose or description of the committee? Bona Fide Political Party Committee, Ballot Committee, Political Action Committee, etc.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? ABBREVIATED REPORTING vs FULL REPORTING

4. Campaign Manager's or Media Contact's Name and Address Daytime Telephone Number

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.) Daytime Telephone Number

6. Committee's Principal Officers and/or Decision-Makers. List name, title, and address. Continue on attached sheet if necessary.

7. Campaign Bank or Depository. Branch City

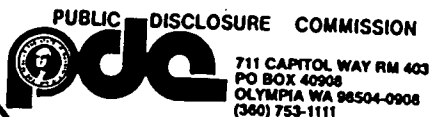
8. Campaign records are to be open for public inspection the last eight days before the election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below: Street Address (Do not use a Post Office Box Number) Hours

9. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State. 10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee Treasurer's Signature Date

Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes: I already have forms and instructions. I will get forms and instructions from my county elections office. I want the Public Disclosure Commission to mail me the proper forms and instructions.

PROPOSED

cc



Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expect to receive contributions or make expenditures.)** File an amended C-1pc form within days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which treasurer resides.  
  
City ballot issue committees and other political committees giving to city candidates, ch with City Clerk regarding any local filing requirement.

**Contact County Elections Department or PDC for Instruction Manuals and Reporting Forms**

PROPOSED



# Political Committee Registration

**C1PC**  
(12/99)

Committee Name (Show entire official name.)	Acronym:
Mailing Address	Telephone: ( )
City County Zip + 4	Fax: ( )
	E-mail:

<b>NEW OR AMENDED REGISTRATION?</b> <input type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form.	<b>COMMITTEE STATUS</b> <input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input type="checkbox"/> _____ election year only. Date of general or special election: _____ (Year)
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1. What is the purpose or description of the committee?

Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support.

Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name \_\_\_\_\_ Ballot Number \_\_\_\_\_ FOR  AGAINST   
 or description of ballot measure: \_\_\_\_\_

Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name: \_\_\_\_\_

**For single election-year only committees (not continuing committees):** Is the committee supporting or opposing  
 (a) one or more candidates?  Yes  No If yes, attach a list of each candidate's name, office sought and political party affiliation.  
 (b) the entire ticket of a political party?  Yes  No If yes, identify the party: \_\_\_\_\_

2. Related or affiliated committees. List name, address and relationship.  Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)  
 If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

**ABBREVIATED REPORTING**  
 Abbreviated Reporting is selected. No more than \$2,000 will be raised or spent and no more than \$200 in the aggregate will be accepted from any one contributor.

**FULL REPORTING**  
 Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address	Telephone Number: ( )
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5. Treasurer's Name and Address (List deputy treasurers on attached sheet.) <span style="float:right;"><input type="checkbox"/> Continued on attached sheet</span>	Daytime Telephone Number: ( )
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6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."  Continued on attached sheet

7. Campaign Bank or Depository	Branch	City
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8. Campaign books must be open to the public during the eight days before the election. **Single Election-year Committees:** (a) on the eighth day, even if a legal holiday, for two consecutive hours between 8:00 am and 8:00 pm; (b) on the other weekdays, except a legal holiday, by appointment between 8:00 am and 8:00 pm. **Continuing Political Committees:** Two consecutive hours each weekday, excluding legal holidays, between 8:00 am and 8:00 pm.

Street Address, Room Number, City \_\_\_\_\_ Hours \_\_\_\_\_

**Single Election-year Committees:** Persons wanting to make an appointment with our committee should contact the committee at (telephone, fax, e-mail): ( )

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State. <input type="checkbox"/> A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).	10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee Treasurer's Signature _____ Date _____
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Need campaign finance forms and instructions? Please check one of the following boxes. <input type="checkbox"/> I already have forms and instructions. <input type="checkbox"/> I will get forms and instructions from my county elections office.	<input type="checkbox"/> I want the Public Disclosure Commission to mail me the proper forms and instructions.	Distribution of This Report: ORIGINAL - Public Disclosure Commission COPY - County Elections Office (Auditor) COPY - Your own records <b>SEE INSTRUCTIONS ON REVERSE</b>
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**PROPOSED**



Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

#### Who Must File

Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

#### When To File

Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)**

File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

#### Where To File

Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.

#### "Officer" of a Political Committee – Definition

Officer of a political committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**Contact PDC or County Elections Office for Instruction Manuals  
and Reporting Forms or look under the "Filer Assistance" menu category on PDC's  
Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**



**WSR 99-19-172**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed September 22, 1999, 11:17 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-16-045.

Title of Rule: Registration statement for candidates—Form C-1.

Purpose: To implement chapter 401, Laws of 1999 (E2SSB 5931), amending the provision that relates to public inspection of campaign books during the eight days before an election.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.080.

Summary: The proposed amendment to WAC 390-16-012 effectuates the statutory amendment in E2SSB 5931. The form is also modified to include space for reporting the campaign's electronic mail address.

Reasons Supporting Proposal: The proposed amendment provides needed guidance to candidates for public office who are required to open their campaign books to public inspection under RCW 42.17.080(4).

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For many years, candidates and political committees that receive contributions or make expenditures in an election have been required to open their campaign books to public inspection for two consecutive hours between 8 a.m. and 8 p.m. during the eight days before an election, except on weekends and legal holidays.

As of July 25, 1999, the law requires that campaign books be available for two consecutive hours between 8 a.m. and 8 p.m. on the eighth day before an election, even if this Monday is a legal holiday, and by appointment on the other seven days of the eight day period, except weekends and legal holidays.

The proposed rule implements RCW 42.17.080(4) as amended by chapter 401, Laws of 1999 (E2SSB 5931) and includes a space for reporting a campaign's electronic mail address.

Proposal Changes the Following Existing Rules: The changes clarify RCW 42.17.080(4) as it impacts candidate campaigns that are required to open their campaign books to public inspection eight days before an election in light of the statutory amendments in chapter 401, Laws of 1999.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not have an impact on small businesses unless a candidate

chooses a small business as the location for public inspection of their campaign books.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section otherwise provided in the chapter law.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on October 26, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Ruthann Bryant, 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by October 15, 1999.

Date of Intended Adoption: October 26, 1999.

September 22, 1999

Vicki Rippie

Acting Executive Director

AMENDATORY SECTION (Amending WSR 94-05-011, filed 2/3/94, effective 3/6/94)

**WAC 390-16-012 Forms—Registration statement for candidates.** The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1," revised (~~(11/93)~~) 12/99. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 403, ((Evergreen Plaza Building)) P.O. Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PROPOSED

CC



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

C1	(11/93)	P D C O F F I C E  U S E
		R E C E I V E D

PROPOSED

Candidate's Name (Do not abbreviate. Include candidate's full name) \_\_\_\_\_

Candidate's Committee Name (Do not abbreviate.) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip + 4 \_\_\_\_\_

1. What office are you running for? \_\_\_\_\_ Legislative District, County or City \_\_\_\_\_ Position No. \_\_\_\_\_ Do you now hold this office? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Political party (if partisan office) \_\_\_\_\_ 3. Date of general or special election \_\_\_\_\_

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below:

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting of:

Option I MINI REPORTING  
In addition to my filing fee of \$ \_\_\_\_\_, I will raise and spend no more than \$500, including charges for the voters pamphlet. I will accept no more than \$200 in the aggregate from any contributor except myself.

Option II ABBREVIATED REPORTING  
I will raise and spend no more than \$2,000, including my filing fee and charges for the voters pamphlet. I will accept no more than \$200 in the aggregate from any contributor except myself.

Option III FULL REPORTING  
I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Campaign Telephone Number: ( ) \_\_\_\_\_  
Campaign Fax Number: ( ) \_\_\_\_\_

6. Treasurer's Name and Address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) \_\_\_\_\_ Daytime Telephone Number ( ) \_\_\_\_\_

7. Committee's Principal Officers. List name, address and title. \_\_\_\_\_

8. Campaign Bank or Depository \_\_\_\_\_ Branch \_\_\_\_\_ City \_\_\_\_\_

9. Related or Affiliated Political Committees. List name, address and relationship. \_\_\_\_\_

10. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:  
Street Address (Do not use a Post Office Box Number) \_\_\_\_\_ Hours \_\_\_\_\_

11. CERTIFICATION:  
I certify that this report is true, complete and correct to the best of my knowledge.  
Candidate's Signature \_\_\_\_\_ Date \_\_\_\_\_

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

I already have financial affairs and campaign disclosure forms and instructions.

I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.

I will obtain all forms and instructions from my county elections office.

I want PDC to mail me:  the F-1 instruction booklet (which includes forms) and the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT:  
ORIGINAL — Public Disclosure Comm  
COPY — County Elections Dept. (Au  
COPY — Your own records  
(Note: City candidates contact City Cl  
see if local filing is required.)



PDC FORM <b>C1</b> <small>(11/93)</small>	<b>CANDIDATE          REGISTRATION          STATEMENT</b>
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Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE**      Candidates who run for state office or local office in jurisdictions that had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE**      Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE**      Send the **original to PDC** at the above address. Send a **copy to County Auditor** (County Elections Department) of the county in which the candidate resides. Candidates for city offices should contact City Clerk to learn if local filing is required.

**PROPOSED**

**Contact County Elections Department or PDC for Instruction Manuals and Reporting Forms**



# Candidate Registration

**C1**  
(12/99)

Candidate's Name (Give candidate's full name.)			Telephone Numbers ( )
Candidate's Committee Name (Do not abbreviate.)			( )
Mailing Address			Fax Number ( )
City	County	Zip + 4	E-Mail Address

1. What office are you running for? \_\_\_\_\_ Legislative District, County or City \_\_\_\_\_ Position No. \_\_\_\_\_ Do you now hold this office?  
Yes  No

2. Political party (if partisan office) \_\_\_\_\_ 3. Date of general or special election \_\_\_\_\_

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

**Option I MINI REPORTING**  
In addition to my filing fee of \$ \_\_\_\_\_, I will raise and spend no more than \$500, including any charges for the voters pamphlet. I will not accept more than \$200 in the aggregate from any contributor except myself.

**Option II ABBREVIATED REPORTING**  
I will raise and spend no more than \$2,000, including my filing fee and any charges for the voters pamphlet. I will not accept more than \$200 in the aggregate from any contributor except myself.

**Option III FULL REPORTING**  
I will use the Full Reporting System. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet.  Continued on attached sheet Daytime Telephone Number  
( )

6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."  Continued on attached sheet

7. Campaign Bank or Depository \_\_\_\_\_ Branch \_\_\_\_\_ City \_\_\_\_\_

8. Related or Affiliated Political Committees. List name, address and relationship.  Continued on attached sheet

9. Campaign books must be open to the public during the eight days before the election: (a) on the eighth day, even if a legal holiday, for two consecutive hours between 8:00 am and 8:00 pm; (b) on the other weekdays, except a legal holiday, by appointment between 8:00 am and 8:00 pm. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City \_\_\_\_\_ Hours (Two consecutive hours on 8<sup>th</sup> day) \_\_\_\_\_

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( )

10. **CERTIFICATION:**  
I certify that this report is true, complete and correct to the best of my knowledge.  
Candidate's Signature \_\_\_\_\_ Date \_\_\_\_\_

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes that apply.

I already have financial affairs and campaign disclosure forms and instructions.

I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.

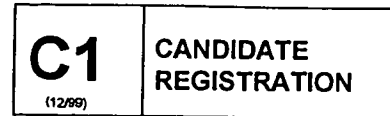
I will obtain all forms and instructions from my county elections office.

I want PDC to mail me:  the F-1 instruction booklet (which includes forms)  
 the appropriate campaign disclosure forms and instructions.

Distribution of This Report:  
ORIGINAL - Public Disclosure Commission  
COPY - County Elections Office (Auditor)  
COPY - Your own records  
(Note: City candidates contact City Clerk to see if local filing is required.)

SEE INSTRUCTIONS ON REVERSE

PROPOSED



Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

**PROPOSED**

**Who Must File** Candidates who seek

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.

**When To File** Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

**Where To File** Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.

**“Officer” of a Candidate’s Committee – Definition** Officer of a candidate’s authorized committee or officer of a candidate’s committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**Contact PDC or County Elections Office for Instruction Manuals and Reporting Forms or look under the “Filer Assistance” menu category on PDC’s Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

**WSR 99-19-173**  
**PROPOSED RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-17—Filed September 22, 1999,  
 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-090.

Title of Rule: Managed care—Grievance.

Purpose: These rules set standards for expedited review of health care service denials by health carriers when an enrollee's life and health would be jeopardized by the timelines and procedures for more routine enrollee grievances.

Statutory Authority for Adoption: RCW 48.02.060, 48.81.120, 48.20.450, 48.20.460, 48.30.010, 48.43.055, 48.44.050, 48.46.100, and 48.46.200.

Statute Being Implemented: RCW 48.43.055.

Summary: The rule sets standards for review of consumer complaints about denials of benefits. The rule requires health carriers to reconsider denials of health care benefits within fourteen days of an oral or written request by the covered person or her health care provider. The carrier may request a fourteen day extension if the extension would benefit the covered person. If delay would jeopardize the covered person's life or health, the carrier must reconsider a denial and render a decision within seventy-two hours of the request. If the person's doctor says that speed is necessary, the carrier must treat the request as an expedited review. Impartial providers with experience in the covered person's health condition or disease must conduct the review. The carrier must give the covered person and his doctor the actual medical reason for the denial along with any clinical protocols used to make the decision. The carrier cannot punish or threaten to punish a provider who helps the covered person appeal a health care service denial.

Reasons Supporting Proposal: Recent denials of potentially life saving health care services by health carriers and the delays by these carriers in reviewing consumer appeals demonstrate a need for expedited review of health care denials that threaten the life and health of the enrollee. In cases where a health carrier denies payment for treatment, patients cannot obtain the treatment. Each day's delay in reviewing an appeal of the decision to deny payment, threatens the life of the patient and/or the potential success of the treatment should the patient win the appeal. In addition, consumers have complained of inadequate explanation of treatment denials and inadequate training and skills by the reviewer. Doctors have also noted that if the doctor is perceived by a carrier as being too much of an advocate for consumers, the doctor will be removed from the health care network.

Name of Agency Personnel Responsible for Drafting: John S. Conniff, P.O. Box 40255, Olympia, WA, (360) 664-3786; Implementation and Enforcement: Bethany Weidner, P.O. Box 40255, Olympia, WA, (360) 664-8137.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets standards for review of consumer complaints about denials of benefits. The rule requires health carriers to reconsider denials of health care benefits within fourteen days of an oral or written request by the covered person or her health care provider. The carrier may request a fourteen-day extension if the extension would benefit the covered person. If delay would jeopardize the covered person's life or health, the carrier must reconsider a denial and render a decision within seventy-two hours of the request. If the person's doctor says that speed is necessary, the carrier must treat the request as an expedited review. Impartial providers with experience in the covered person's health condition or disease must conduct the review. The carrier must give the covered person and his doctor the actual medical reason for the denial along with any clinical protocols used to make the decision. The carrier cannot punish or threaten to punish a provider who helps the covered person appeal a health care service denial.

Proposal Changes the Following Existing Rules: The proposed rules amend four existing WAC sections to bring grievance review standards for experimental and investigational services into harmony with grievance review standards for other health benefits. The affected sections are WAC 284-44-043, 248-46-507, 284-50-377, and 284-96-015.

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

**Small Business Economic Impact Statement**

**Background:** This subject was suggested in the commissioner's regulatory improvement process as a regulatory scheme that should be revisited.

Grievance rules have been discussed in rule making in the recent past. Notably, the managed care rules (R 97-3) contemplated rules regarding grievance procedures and the filing of specifically formatted grievance reports. It was decided that the topics merited additional discussion and the grievance proposals were not included in the final rules when they were adopted in January of 1998.

In June of 1998, the commissioner issued a CR-101 announcing her intent to begin the rule-making process regarding a number of health care subjects. Grievance was one of the subjects that was specifically mentioned as an area under consideration. As the rule making progressed, the commissioner decided to narrow the focus of this rule making to just the grievance issues. A new CR-101 was filed to address other subjects.

The proposed rules establish new grievance procedure standards. RCW 48.43.055 requires carriers to file grievance procedures with the commissioner. However, there are no existing standards. The rule sets standards for review of consumer complaints about denials of benefits. The rule requires health carriers to reconsider denials of health care benefits within fourteen days of an oral or written request by the covered person or her health care provider. The carrier may request a fourteen day extension if the extension would benefit the covered person. If delay would jeopardize the covered person's life or health, the carrier must reconsider a denial and render a decision within seventy-two hours of the

request. If the person's doctor says that speed is necessary, the carrier must treat the request as an expedited review. Impartial providers with experience in the covered person's health condition or disease must conduct the review. The carrier must give the covered person and his doctor the actual medical reason for the denial along with any clinical protocols used to make the decision. The carrier cannot punish or threaten to punish a provider who helps the covered person appeal a health care service denial.

Recent denials of potentially life saving health care services by health carriers and the delays by these carriers in reviewing consumer appeals demonstrate a need for expedited review of health care denials that threaten the life and health of the enrollee. In cases where a health carrier denies payment for treatment, patients cannot obtain the treatment. Each day's delay in reviewing an appeal of the decision to deny payment, threatens the life of the patient and/or the potential success of the treatment should the patient win the appeal. In addition, consumers have complained of inadequate explanation of treatment denials and inadequate training and skills by the reviewer. Doctors have also noted that if the doctor is perceived by a carrier as being too much of an advocate for consumers, the doctor will be removed from the health care network.

**Is the Rule Required by Federal Law or Federal Regulation?** This rule is not required by federal law or regulation.

**What Industry is Affected by the Proposed Rule?** The industry code that would be affected by the proposed rules includes Hospital and Medical Service Plans, industry code #6324. In Washington, these plans are called Health Care Service Contractors (HCSCs) and Health Maintenance Organizations (HMOs). They would apply to individual and group disability carriers, Hospital and Medical Service Plans, industry code #6321

**List the Specific Parts of the Proposed Rule, based on the Underlying Statutory Authority (RCW Section), Which May Impose a Cost to Business:** The intended result of these proposed requirements is to achieve uniformity in the grievance review process for all carriers, consistent with applicable statute [statute] and regulations. It is not the intent of the proposed rules to provide difficult or costly standards to meet. Instead, the rules are intended to reflect the best practices in the market. All carriers currently have grievance procedures in place. In general, the proposed rules are similar to existing standards of many carriers. The proposed rules will provide protection to consumers by ensuring that carriers will improve or maintain their standards and have consistent, adequate grievance procedures.

All carriers have grievance procedures and all carriers have a process to expedite the procedures in case of a medical emergency. The proposed rules require carriers to respond to request for reconsideration of adverse determinations within fourteen days. The carrier may extend the period by fourteen days if it notifies the covered person that the extension is beneficial to the covered person for some reason, such as allowing additional time for the carrier to consider information that it will take time to acquire. These time frames may be slightly compressed for some carriers. Carriers generally

currently respond to requests for review in twenty to thirty days. Some carriers have provisions to extend that time frame if necessary, others do not. Experimental or investigational treatment is reviewed in twenty days or less currently. The proposed rules would establish a uniform time frame of fourteen days for all grievance reviews (except, of course, for emergency reviews).

The proposed rules provide that if the covered person's life or health would be jeopardized by delay, the carrier shall expedite the request and issue a decision within seventy-two hours. This standard parallels other national standards. Currently, all carriers provide for some form of expedited review, many if not the great majority, do so within seventy-two hours. Some carriers allow for the time frame to reflect clinical urgency.

The proposed rules provide that carriers make not punish or threaten providers acting on behalf or in support of a request for expedited review. No costs should be involved here. This is a safeguard for providers that should never affect well-intentioned carriers.

The proposed rules provide that carriers must consider all relevant information submitted. Again, this is a safeguard that should not affect carriers who are acting in good faith.

**What Will be the Compliance Costs for the Industries Affected?** Any costs these rules may incur would derive from the compression of the time frames. As noted, some carriers will not be affected at all. Few carriers should be affected by the expedited time frame, it reflects national and state standards.

There is always some time and costs associated with reading and comprehending new rules. Those costs should not be significant and the commissioner may be able to offer technical assistance to insurers in this regard.

**What Percentage of the Industries in the Four-digit Standard Industrial Classification will be Affected by the Rule?** The proposed rule would affect 100% of the carriers that offer health plans subject to regulation by the commissioner.

**Will the Rule Impose a Disproportionately Higher Economic Burden on Small Businesses Within the Four-digit Classification?** No. All carriers would be held to the same standards and time frames. The proposed rules allow for considerable flexibility while ensuring uniformity and fairness. Smaller carriers may have fewer requests for grievance reviews and should not have any higher than proportional costs.

**Can Mitigation be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Stated Objective of the Statutes That are the Basis of the Proposed Rule?** The current proposed rules are the product of several years of discussion. Many of the provisions of the grievance rules proposed in R 97-3 have been removed to mitigate the economic impact upon all carriers, including smaller carriers. Any costs attributable to the grievance rules have been greatly mitigated. Numerous sections were removed including definitions, provisions regarding levels of grievance review, establishment of a grievance registry, and reporting requirements. The proposed rules allow for consid-

erable flexibility for carriers to continue their current grievance processes while ensuring processes are fair and timely.

**What Steps will the Commissioner Take to Reduce the Costs of the Rule on Small Businesses?** As noted above, costs on all carriers, including smaller carriers have been greatly mitigated throughout the time these have been discussed. The commissioner will continue to work with all interested parties, including smaller carriers, throughout the rule-making process to mitigate any economic impacts while continuing to meet the objectives of the rule.

**Which Mitigation Techniques Have Been Considered and Incorporated Into the Proposed Rule?** As stated above, many sections of the proposed rules that have been discussed over time have been removed. This includes many of the most costly provisions.

**Which Mitigation Techniques Were Considered for Incorporation Into the Proposed Rule but Were Rejected, and Why?** Many of the earlier requests for mitigation have been incorporated or made superfluous by the removal of several sections. It is not believed that any mitigation techniques that are applicable to the remaining sections were rejected. The commissioner will continue to explore mitigation issues for the remaining sections of the proposed rules as the rule-making process continues.

**Briefly describe the reporting, recordkeeping, and other compliance requirements of the proposed rule:** There are no new reporting or record-keeping requirements as a result of this rule. Earlier proposed versions of grievance procedures rules contained reporting requirements. These sections have been removed.

**List the Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply With the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:**

*Cost of Equipment:* There is no anticipated additional cost of equipment.

*Cost of Supplies:* There is no anticipated additional cost of supplies.

*Cost of Labor:* The cost of labor should decrease for insurers who choose not to file since the filing requirements on the relevant policies are suspended.

*Cost of Increased Administration:* There may be some minimal costs associated with reading and comprehending the new rule. The commissioner may be able to offer technical assistance to insurers in this regard. As noted above, the time frames of existing grievance procedures used by carriers may be slightly compressed. If carriers have adequate networks, this should not be an administrative burden.

No carriers, including smaller carriers, should not need to employ any additional professional services due to the proposed rules. The commissioner will continue to explore these issues to ensure that smaller carriers will not have to use disproportionately more resources than larger carriers in order to comply with the rules.

**Compare the Cost of Compliance for Small Business With the Cost of Compliance for the Largest Business in the Same Four-digit Classification, Using One or More of the Following:** Any costs should be proportional for small

insurers. All carriers have grievance procedures and all carriers have a process to expedite the procedures in case of a medical emergency. The standards allow for flexibility while requiring the carriers act in good faith. The standards are similar to existing standards used by national organizations and employed by carriers in Washington. The time frames for review are lessened from general standards in place in Washington. This will not necessarily incur costs. Carriers currently have the panels, personnel, and procedures in place. The proposed rules would require a decision in less time than carriers are generally allowing themselves but the compressed time frame may not incur costs since carriers may already be making determinations within the time frames of the proposed rules. Smaller carriers generally will have proportionally fewer enrollees and, logically, fewer decisions that may be submitted for review. If a smaller carrier have adequate review panels in place for their enrollees, the shortened time frame for review should not incur any disproportionate costs in relation to larger carriers. If a smaller carrier (or larger carrier) does not have adequately staffed review panels, the carrier may be in violation of the underlying statute.

**Have Businesses That Will Be Affected Been Asked What the Economic Impact Will Be?** The CR-101 was filed on June 16, 1998. The CR-101 was published in the Washington State Register and was posted on the Insurance Commissioner's website. Interested parties and all were mailed the CR-101. It outlined various topics and directions that would be considered in the rule making process. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule making process.

As noted earlier, the proposed rules stem from earlier rule-makings (particularly R 97-3) and carriers, including smaller carriers, have had the opportunity to comment on this subject and to work with staff of the Office of the Insurance Commissioner for several years.

**How did the Commissioner Involve Small Business in the Development of the Proposed Rule?** See above.

**How and When Were Affected Small Businesses Advised of the Proposed Rule?** All parties were informed of the proposed rule making when the CR-101 was filed on June 16, 1998. The CR-101 was published in the Washington State Register and was posted on the Insurance Commissioner's website. Interested parties and all carriers were mailed the CR-101. The CR-101 outlined various topics and directions that would be considered in the rule-making process. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 664-2782, phone (360) 664-3784.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: Seattle Center, Fidalgo Room, (part of the NW rooms), Seattle, Washington, on October 28, 1999, at 10:00.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by October 27, 1999, TDD (360) 407-0409.



Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail KacyB@oic.wa.gov, fax (360) 664-2782, by October 27, 1999.

Date of Intended Adoption: November 11, 1999.

September 22, 1999

Bethany Weidner

Deputy Insurance Commissioner

**AMENDATORY SECTION** (Amending Order 92-15, filed 10/21/92, effective 11/21/92)

**WAC 284-44-043 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required.** (1) Every health care service contract which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the contract and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the health care service contractor specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the contract and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the contract and any certificate of coverage issued thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, the plan will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, the plan will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every health care service contractor that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the contract and any certificate of coverage thereunder, because of an experimental or investigational exclusion or

limitation, must do so in writing within twenty working days of receipt of a fully documented request. The health care service contractor may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health care service contractor must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within ~~((twenty working))~~ fourteen days of receipt of the fully documented appeal. The health care service contractor may extend the review period beyond ~~((twenty))~~ fourteen days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health care service contractor in each contract and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitation.

(5) Whenever a health care service contractor makes an adverse determination, as defined in WAC 284-43-610(1), and delay would jeopardize the covered person's life or health, the health care service contractor must follow the grievance review procedures and time frames in WAC 284-43-620 (2), (3), (4), (5), and (6).

## SUBCHAPTER F GRIEVANCE PROCEDURES

### NEW SECTION

**WAC 284-43-610 Definitions.** For the purposes of this subchapter:

PROPOSED

(1) "Adverse determination" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility, or continued provision of a health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested plan coverage, claim payment, or service is therefore denied, modified, reduced, or terminated.

(2) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, health care service management computer software, and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services.

#### NEW SECTION

**WAC 284-43-620 Procedures for health care service review decisions.** (1) A covered person or a provider (regardless of whether the provider is affiliated with the carrier) may request orally or in writing that the carrier reconsider an adverse determination. The carrier must reconsider and notify the covered person of its decision within fourteen days of request unless the carrier notifies the covered person that an extension of an additional fourteen days would be beneficial to the covered person such as the carrier's consideration of information that will take time to acquire.

(2) Whenever a health carrier makes an adverse determination and delay would jeopardize the covered person's life or health, the carrier shall expedite a request for reconsideration and issue a decision no later than seventy-two hours after the request for reconsideration. If the request is made and the need for speed is supported by a health care provider, the carrier shall grant the request for expeditious review.

(3) A carrier may not take or threaten to take any punitive action against a provider acting on behalf or in support of a covered person requesting an expedited determination.

(4) Appeals of adverse determinations shall be evaluated by health care providers who were not involved in the initial decision and who have appropriate expertise in the field of medicine that encompasses the covered person's condition or disease.

(5) All reconsiderations must include a review of all relevant information submitted by the covered person or a provider acting on behalf of the covered person.

(6) The carrier shall issue to affected parties and to any provider acting on behalf of the covered person a written notification of the adverse determination that includes the actual reasons for the determination, the instructions for obtaining a reconsideration of the carrier's decision, a written statement of the clinical rationale for the decision, and instructions for obtaining the clinical review criteria used to make the determination.

**AMENDATORY SECTION** (Amending Order 92-14, filed 10/21/92, effective 11/21/92)

**WAC 284-46-507 Experimental and investigational prescriptions, treatments, procedures, or services—Defi-**

**inition required—Standard for definition—Written notice of denial required—Appeal process required.** (1) Every health maintenance agreement which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the agreement and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the health maintenance organization specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the agreement and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the agreement or any certificate of coverage thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, the plan will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, the plan will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every health maintenance organization that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the agreement and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The health maintenance organization may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health maintenance organization must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within (~~(twenty working)~~) fourteen days of receipt of the fully documented appeal. The health maintenance organization may extend the review period beyond (~~(twenty)~~) fourteen days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health maintenance organization in each agreement and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitations.

(5) Whenever a health maintenance organization makes an adverse determination, as defined in WAC 284-43-610(1), and delay would jeopardize the covered person's life or health, the health care service contractor must follow the grievance review procedures and time frames in WAC 284-43-620 (2), (3), (4), (5), and (6).

AMENDATORY SECTION (Amending Order R 92-17, filed 10/21/92, effective 11/21/92)

**WAC 284-50-377 Experimental and investigational prescriptions, treatments, procedures, or service—Definition required—Standard for definition—Written notice of denial required—Appeal process required.** (1) Every individual disability insurance policy which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which ser-

vices will be considered to be experimental or investigational. If the individual disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy. As an example, and not by way of limitation, the requirement to set forth criteria in the policy may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, we will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, we will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every individual disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The individual disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every individual disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within (~~(twenty)~~) fourteen working days of receipt of the fully documented appeal. The individual disability insurer may extend the review period beyond (~~(twenty)~~) fourteen days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the individual disability insurer in each policy which contains an experimental or investigational exclusion or limitation.

(5) Whenever an individual disability insurer makes an adverse determination, as defined in WAC 284-43-610(1), and delay would jeopardize the covered person's life or health, the individual disability insurer must follow the grievance review procedures and time frames in WAC 284-43-620 (2), (3), (4), (5), and (6).

**AMENDATORY SECTION** (Amending Order R 92-16, filed 10/21/92; effective 11/21/92)

**WAC 284-96-015 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required.** (1) Every group disability insurance policy which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the group disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the policy and any certificate of coverage issued thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, we will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstra-

ble benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, we will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every group disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The group disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every group disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within ~~((twenty))~~ fourteen working days of receipt of the fully documented appeal. The group disability insurer may extend the review period beyond ~~((twenty))~~ fourteen days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the group disability insurer in each policy and any certificate of coverage issued thereunder which con-

tains an experimental or investigational exclusion or limitation.

(5) Whenever a group disability insurer makes an adverse determination, as defined in WAC 284-43-610(1), and delay would jeopardize the covered person's life or health, the group disability insurer must follow the grievance review procedures and time frames in WAC 284-43-620 (2), (3), (4), (5), and (6).

## WSR 99-19-174

### PROPOSED RULES

#### INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 99-5—Filed September 22, 1999, 11:18 a.m.]

##### Original Notice.

Preproposal statement of inquiry was filed as WSR 99-12-105.

Title of Rule: Deregulation of commercial property casualty lines of insurance.

Purpose: This proposed regulation suspends filing requirements of certain large commercial property casualty insurance policies.

Statutory Authority for Adoption: RCW 48.020.060 [48.02.060], 48.19.080.

Statute Being Implemented: RCW 48.19.080.

Summary: This proposed regulation suspends filing requirements of certain large commercial property casualty insurance policies.

Reasons Supporting Proposal: It will enable insurers to choose not to file the rates of certain policies. This will provide some administrative time and cost savings.

Name of Agency Personnel Responsible for Drafting: Lee Barclay, P.O. Box 40255, Olympia, WA, (360) 586-3685; Implementation and Enforcement: Bethany Weidner, P.O. Box 40255, Olympia, WA, (360) 664-8137.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will give insurers the option to file or not to file rates on certain commercial policies that have an estimated annual collected premium over \$25,000. The purchasers of large commercial property casualty policies are sophisticated buyers. These purchasers have the ability to negotiate as equals over the rates of their policies and to adequately safeguard their interests. Since less protection is needed for these purchasers, the filing requirements are not necessary. Suspending the filing of rates for these policies will save insurers some time and expense. These savings may be passed along to the purchasers.

The CR-101 contemplated deregulation of forms for large commercial policies. However, RCW 48.18.103 contains form filing requirements that the commissioner cannot suspend. Thus, the proposed rules will focus on the deregulation of rates for large commercial property casualty policies and do not address the deregulation of forms for those poli-

cies. This subject is addressed in more depth in the Small Business Economic Impact Statement.

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

**Background:** This subject was suggested in the commissioner's regulatory improvement process as a regulatory scheme that should be revisited. The deregulation of commercial rates and forms has been discussed extensively by members of the NAIC and by the legislatures of several states over the past several years. The specifics of exactly how this should be accomplished while retaining adequate consumer protections have varied from proposal to proposal. The underlying theory of this rule making is that purchasers of large commercial property casualty policies are sophisticated buyers. These purchasers have the ability to negotiate as equals over the rates of their policies and to adequately safeguard their interests. Since less protection is needed for these purchasers, the filing requirements are not necessary. Suspending the filing of rates for these policies will save insurers some time and expense. These savings may be passed along to the purchasers.

In June of 1999, the commissioner issued a CR-101 announcing her intent to begin the rule-making process in this area. The CR-101 indicated a variety of topics and possible directions. One area that was mentioned in the CR-101 but is not a part of the proposed rules was the deregulation of forms. RCW 48.18.100 enables the commissioner to exempt forms from the filing requirements of "this section." Thus, the commissioner can exempt documents from the requirements of RCW 48.18.100. However, RCW 48.18.103 also contains filing requirements. In 1997, when the legislature passed the bill that created the new section of RCW 48.18.-103, the intent of the bill was to allow "policies to be issued more expeditiously and provide a more competitive market for forms." (RCW 48.18.103) While it is extremely unlikely that the legislature intended to preclude the commissioner's ability to exempt any or all forms from those filing requirements, that is one of the effects of that legislation. Thus, the proposed rules will focus on the deregulation of rates for large commercial property casualty policies and do not address the deregulation of forms for those policies.

**Is the Rule Required by Federal Law or Federal Regulation?** This rule is not required by federal law or regulation.

**What Industry is Affected by the Proposed Rule?** The industry code that would be affected by the proposed rules is Fire, Marine, and Casualty Insurance, SIC #6331.

**List the Specific Parts of the Proposed Rule, Based on the Underlying Statutory Authority (RCW Section), Which May Impose a Cost to Business:** No part of the regulation will impose costs upon business. The proposed regulation rate allows for the exemption of rate filing requirements for certain large commercial property casualty policies. The only cost impacts should be a lessening of time and expense related to filing. If the insurer chooses to not file, it must maintain records to support the rating and premium

PROPOSED

determination of each policy issued in reliance on these rules. The records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination. The retention of the records is to ensure that the commissioner will have the ability to check that the insurer complied with the relevant statutes. Insurers generally retain premium and rating records, so no additional costs are involved here.

**What Will Be the Compliance Costs for the Industries Affected?** There should be little compliance costs for industry. There are always some time and costs associated with reading and comprehending new rules but there are no new requirements upon insurers. The effect of the rules should be to lessen compliance costs. Certain existing filing requirements are exempted at the discretion of the insurer which should save insurers some time and money. The insurer need not file if the criteria of the rules are met. If the insurer chooses to continue to file, it can practice in exactly the same fashion as it currently does and there is no impact at all.

**What Percentage of the Industries in the Four-digit Standard Industrial Classification Will Be Affected by the Rule?** The proposed rule would affect 100% of the property casualty insurers that offer products that are subject to regulation by the Insurance Commissioner and if the product:

- (a) Pertains to a business, nonprofit organization, or public entity;
- (b) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and
- (c) Has an estimated annual collected premium of \$25,000 or more.

As noted in the section above, insurers that meet these and other criteria of the rules, do not need to file rates for these products.

**Will the Rule Impose a Disproportionately Higher Economic Burden on Small Businesses Within the Four-digit Classification?** No. The proposed rule will not impose any economic burden on insurers, whether they are small insurers or not. Removing the requirement to file certain rates should benefit all insurers who offer those products.

**Can Mitigation Be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Stated Objective of the Statutes That Are the Basis of the Proposed Rule?** No. The proposed rules have no negative economic impacts. Thus, there are no impacts that could be mitigated. If insurers have products that meet the criteria of the rule and desire to continue to do business as they currently practice, they may do so.

If any negative cost impacts are foreseen at some point during the rule making, the commissioner will work with all affected parties to mitigate those impacts.

**What Steps Will the Commissioner Take to Reduce the Costs of the Rule on Small Businesses?** There should be no costs to small insurers beyond the costs of reading and understanding the rule. The commissioner will distribute the rules to the affected parties and will provide any technical assistance necessary requested by insurers.

**Which Mitigation Techniques Have Been Considered and Incorporated into the Proposed Rule?** There will be no costs so there is no need or opportunity to mitigate. The rules should lead to a lessening of existing costs.

**Which Mitigation Techniques Were Considered for Incorporation into the Proposed Rule but Were Rejected, and Why?** See above.

**Briefly Describe the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:** There are no new reporting or record-keeping requirements as a result of this rule.

**List the Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply With the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:** The rules exempt certain filing requirements. They do not impose any new reporting or record-keeping requirements. It is expected that no new professional services will be needed by smaller insurers. If an insurer chooses to not file in reliance on the rules, they shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination. Certain records they customarily kept must still be kept and available for the inspection to enable the commissioner to investigate if an insurer is complying with statutory requirements.

*Cost of Equipment:* There is no anticipated additional cost of equipment.

*Cost of Supplies:* There is no anticipated additional cost of supplies.

*Cost of Labor:* The cost of labor should decrease for insurers who choose not to file since the filing requirements on the relevant policies are suspended.

*Cost of Increased Administration:* The rules should decrease the cost of administration. There may be some minimal costs associated with reading and comprehending the new rule. The commissioner may be able to offer technical assistance to insurers in this regard.

**Compare the Cost of Compliance for Small Business With the Cost of Compliance for the Largest Business in the Same Four-digit Classification, Using One or More of the Following:** There should be no costs of compliance. The lessening of existing costs should be proportional for small insurers.

**Have Businesses That Will be Affected Been Asked What the Economic Impact Will Be?** All parties were informed of the commissioner's intent to revisit this subject and begin the rule-making process June 2, 1999. The proposal was published in the Washington State Register and was posted on the Insurance Commissioner's website. Interested parties and affected insurers, including smaller insurers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process. Several comments were received. Generally, the comments were supportive of the idea of deregulation. No comment indicated that there

would be any costs associated with the suspension of the filing requirements.

Many of the comments expressed support for more sweeping deregulation or complete deregulation. The commissioner does not believe that broader deregulation would be beneficial at this time. As noted in the "Background" section, there are limits to her authority to deregulate and this proposal is targeted at products purchased by sophisticated purchasers. Complete deregulation of all commercial lines removes protections for purchasers that may not be sophisticated enough to completely understand the ramifications of the transaction and may have little leverage in the insurance transaction. While some costs to the purchaser may fall, the loss of protections that benefit the purchasers makes complete deregulation inadvisable.

**How did the Commissioner Involve Small Business in the Development of the Proposed Rule?** See above.

**How and When Were Affected Small Businesses Advised of the Proposed Rule?** The CR-101 was filed on June 2, 1999. The CR-101 was published in the Washington State Register and was posted on the Insurance Commissioner's website. Interested parties and all property casualty insurers, including smaller insurers, were mailed the CR-101. It outlined various topics and directions that would be considered in the rule-making process. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 664-2782, phone (360) 664-3784.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: 14th and Water, Cherberg Building, Senate Hearing Room 1, Olympia, Washington, on October 27, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by October 26, 1999, TDD (360) 407-0409.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail KacyB@oic.wa.gov, fax (360) 664-2782, by October 26, 1999.

Date of Intended Adoption: November 10, 1999.

September 22, 1999

Bethany Weidner

Deputy Insurance Commissioner

## NEW SECTION

**WAC 284-24-120 Suspension of rate filing requirements—Large commercial policies.** (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are suspended with respect to large commercial property casualty policies.

(2) For purposes of this section, "large commercial property casualty policy" means an insurance policy that:

(a) Pertains to a business, nonprofit organization, or public entity;

(b) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(c) Has an estimated annual collected premium of \$25,000 or more.

(3) Before an insurer issues a policy in reliance on this section, the insurer or its agent shall notify the insured in writing that the rates have not been and will not be filed for the commissioner's approval.

(4) Property rates used on large commercial property casualty policies will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006.

(5) The commissioner retains the right and ability to examine the rates used on large commercial property casualty policies to ascertain whether they meet the requirements of RCW 48.19.020 and other statutes. The insurer shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination.

(6) Subsection (1) of this section does not apply to:

(a) Professional liability insurance policies, including medical malpractice insurance policies;

(b) Directors' and officers' liability insurance policies purchased by individuals;

(c) Motor vehicle service contract reimbursement insurance policies, as defined in RCW 48.96.010(4); and

(d) Master policies under which certificates of coverage are issued to individual consumers or households.

(7) If this subsection is not amended, the provisions of this section shall expire on December 31, 2001.

PROPOSED





**WSR 99-19-013**  
**EXPEDITED ADOPTION**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 7, 1999, 9:21 a.m.]

Title of Rule: Delinquent predecessor taxes.

Purpose: To amend CR-102XA filed May 19, 1999, under WSR 99-11-090 and to provide a method for a successor employer to pay the delinquent taxes of a predecessor employer.

Other Identifying Information: To add the allowance of a successor to pay off taxes after the September 30 cut-off date.

Statutory Authority for Adoption: Chapters 34.05 and 50.12 RCW.

Statute Being Implemented: Portion of RCW 50.29.062.

Summary: To revise the originally filed expedited adoption to allow employers to pay off the taxes of delinquent predecessors after the September 30th cut-off date and still acquire a lower tax rate.

Reasons Supporting Proposal: To allow equity to employers paying off delinquent taxes of a predecessor employer after the statutory September 30th cut-off date.

Name of Agency Personnel Responsible for Drafting: George Mante, 212 Maple Park, Olympia, WA, (360) 902-9642; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, WA, (360) 902-9303.

Name of Proponent: Employment Security Department, UI Tax Administration, UI Division, P.O. Box 9046, Olympia, WA 98507, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This amendment precludes the agency having to introduce special statutory changes to address an equity issue for successor employers.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The original CR-102XA filed on May 19, 1999, under WSR 99-11-090 is being amended at the request of our UI tax legislative liaison and UI tax management to include under proposed WAC 192-320-060 Delinquent predecessor taxes item number (c). Item (c) will allow, without having to resort to statutory change, an equity issue for successor employers who pay off the delinquent predecessor taxes of an employer after the cut-off date of September 30th. These employers will now be able to pay off taxes and have their tax rate recalculated instead of receiving the highest tax rate possible - 5.6%. This is a fairness/equity issue for employers and enhances the integrity of the UI trust fund.

Proposal Changes the Following Existing Rules: As noted in Explanation of Rule above this proposed change will promote fairness and equity for successor employers who pay off the delinquent taxes of a predecessor employer after the department's cut off date of September 30th. These successor employers will enjoy the same recalculation as those successor employers who acquire a business prior to the September 30th cut-off date and pay off delinquent taxes. There will be equity in the recalculation of tax rates for successor employers who pay the delinquent taxes of a predecessor employer.

**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 George Mante, Employment Security Department, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046, AND RECEIVED BY November 22, 1999.

August 30, 1999

Carver Gayton

Commissioner

**Chapter 192-320-WAC**

NEW SECTION

**WAC 192-320-060 Delinquent predecessor taxes.** RCW 50.29.062 provides that a successor employer, as defined in WAC 192-300-050 will be assigned the tax rate of the predecessor employer. If the successor employer has been assigned the maximum tax rate due to late, or nonpayment of, taxes to the department by the predecessor employer; they may receive a lower rate upon completion of the following:

- a. submit a written request to the department; and
- b. payment of delinquent tax payments by the cut-off date of September 30th; or
- c. if the purchase was finalized after September 30th and all reports any taxes due are submitted within thirty (30) days of escrow closure, or purchase of the business.

The successor employer will receive the tax rate of the predecessor employer as if the taxes had been paid timely. The successor will keep this rate until eligible under experience rating statutes for a different rate.

**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 192-12-076

Delinquent predecessor taxes.

**WSR 99-19-030**  
**EXPEDITED ADOPTION**  
**BATES TECHNICAL COLLEGE**

[Filed September 8, 1999, 10:38 a.m.]

Title of Rule: Chapter 495-141 WAC, Parking and traffic regulations.

Purpose: To correct WAC 495-141-165 Fines and penalties.

Statutory Authority for Adoption: RCW 28B.50.140(10).

Summary: To correct error made on original submittal for adoption.

Reasons Supporting Proposal: To maintain agency original intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Lively, 1101 South Yakima Avenue, Tacoma, WA 98405, (253) 596-1619.

Name of Proponent: Bates Technical College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To improve fines and penalties for violation of college parking and traffic regulations.

Proposal Changes the Following Existing Rules: Corrects penalty for reckless/negligent driving to the agencies original intent of revoking parking privileges on all campuses.

**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 Jon G. Thorpe, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405, AND RECEIVED BY November 23, 1999.

September 1, 1999

Jon G. Thorpe

Director of College Operations

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

**WAC 495A-141-165 Fines & penalties.** The vice president of business & finance, or designee, is authorized to impose the following fines and penalties for violation of the regulations:

(1) A schedule of fines shall be set by the board of trustees. The schedule shall be published by the college and included on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedules as established by the board of trustees for the following violations:

- (a) No valid permit displayed
- (b) Occupying more than one parking space
- (c) Occupying space/area not designated for parking
- (d) Parking in area not authorized by permit
- (e) Parking in reserved staff space without authorization
- (f) Disabled parking violation
- (g) Blocking or obstructing traffic (may be towed if creating a safety hazard)
- (h) Parking adjacent to fire hydrant (may be towed if creating a safety hazard)
- (i) Parking in fire lane (may be towed if creating a safety hazard)
- (j) Parking in zone or area marked "no parking"
- (k) Speeding

(l) Reckless/negligent driving (1) 1st offense - (~~warning, (2) 2nd offense - posted rate (if paid within twenty-four hours fine will be reduced by one-half), (3) 3rd offense - fine triples, (4) Any subsequent offense could result in loss of parking privileges on campus~~) Parking privileges on all campuses revoked.

(3) At the discretion of the vice president of business & finance, or designee, an accumulation of citations by a staff member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas may be subject to a fine and may be impounded. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(5) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(6) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(7) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(8) Persons may appeal the issuance of a citation.

(9) In the event a student fails or refuses to pay an untested fine which has been outstanding in excess of five days, the vice president of business & finance, or designee, may initiate the following actions:

(a) Student may not be able to obtain transcript of credits until all fines are paid.

(b) Student may not receive a degree/diploma/certificate of completion until all fines are paid.

**WSR 99-19-062**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed September 15, 1999, 4:35 p.m.]

Title of Rule: Flood mitigation standards for state agencies.

Purpose: Change the name and address of the Division of Risk Management to Office of Risk Management, Room

EXPEDITED ADOPTION

303, General Administration Building, P.O. Box 40127, Olympia, WA 98504.

Statutory Authority for Adoption: RCW 43.17.060 and chapter 43.19 RCW.

Summary: Since original adoption of this rule the Department of General Administration has changed the name of the Division of Risk Management to the Office of Risk Management and relocated the office to the General Administration Building.

Reasons Supporting Proposal: These amendments are a result of discussions with agency facilities representatives, FEMA and private insurance concerns.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Reed, 301 General Administration Building, (360) 902-7304.

Name of Proponent: Department of General Administration, Office of Risk Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 236-100-013 and 236-100-016 establish flood mitigation standards for state agencies relating to state owned and leased construction.

The proposed amendments reflect the name and address changes for the office responsible for state agency flood mitigation standards.

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 Betty Reed, Department of General Administration, P.O. Box 41027, Olympia, WA 98504, AND RECEIVED BY November 22, 1999.

September 15, 1999

Betty Reed

State Risk Administrator

**AMENDATORY SECTION** (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

**WAC 236-100-013 Definitions.** (1) "Agency" or "agencies" as used in this section means all Washington state agencies, boards, commissions, and all state institutions of higher education.

(2) "Development" means any man-made change to improved or unimproved real estate, including but not limited to: Buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(3) "Facility" means something built to serve a particular function other than a structure.

(4) "New construction," for flood plain management purposes, means structures for which the start of construction commenced on or after the effective date of this regulation, WAC 236-100-001 through 236-100-016.

(5) "Property" or "properties" refer to state-owned developments, structures, facilities, and/or the contents of the structure in which the state has an interest.

(6) "Risk manager" means the assistant director of the ((division)) office of risk management, department of general administration, or his/her designee.

(7) "Special flood hazard areas" refers to areas subject to inundation by a flood having a one percent or greater probability of being equaled or exceeded during any given year. This flood, which is referred to as the one hundred-year flood or the base flood, is the national standard on which the flood plain management and insurance requirements of the National Flood Insurance Program are based. Special flood hazard areas and one hundred-year flood plains are identified on flood insurance rate maps developed and issued by the Federal Emergency Management Agency.

(8) "Structure" means a walled and roofed building, including any gas or liquid storage tank, that is principally above ground and affixed to a permanent site.

(9) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

**AMENDATORY SECTION** (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

#### **WAC 236-100-015 Flood mitigation standards.** (1)

When planning the location, acquisition, and/or construction of state-owned developments, structures, or property, one hundred-year flood plains and special flood hazard areas, as identified on flood insurance rate maps or by other available sources, shall be avoided whenever feasible.

(2) If it is necessary to locate, acquire, and/or construct state-owned developments, structures, new construction, or substantial improvements within one hundred-year flood plains and/or special flood hazard areas, agencies must then adhere to the regulations of the National Flood Insurance Program (44 CFR Ch. 1).

(3) In addition to subsection (2) of this section, for all new construction and substantial improvements, both within and outside of any one hundred-year flood plain and/or special flood hazard area, the elevation of the lowest floor, including the basement, shall be at least the greater of either:

(a) One foot above the one hundred-year flood elevation;

or

(b) At the five hundred-year flood elevation.

To achieve this flood protection, state agencies shall, whenever feasible, locate structures outside of one hundred-year flood plains and special flood hazard areas rather than filling in land within one hundred-year flood plains and/or special flood hazard areas.

(4) Developments, new construction, or substantial improvements which do not meet the requirements of subsections (2) and/or (3) of this section must receive an exemption as specified in WAC 236-100-016(2).

(5) For leased structures with state-owned contents, agencies shall avoid one hundred-year flood plains and/or special flood hazard areas, whenever feasible. If it is necessary for agencies to lease property within one hundred-year flood plains and/or special flood hazard areas, then such leased structure or structures and related development shall meet the minimum requirements of the National Flood Insurance Program. Exemptions from these requirements for leased property must be obtained from the ~~((division))~~ office of risk management pursuant to WAC 236-100-016(2).

**AMENDATORY SECTION** (Amending WSR 91-08-057, filed 4/2/91, effective 5/3/91)

**WAC 236-100-016 Exemptions.** (1) Exemptions from the elevation requirements of WAC 236-100-015(3) are granted automatically for:

(a) Facilities where their use and purpose require construction below one hundred-year flood plains and/or special flood hazard areas (e.g., fish pens, fish ladders, holding ponds, dams, etc.);

(b) Roads, bridges, and highway facilities.

(2) All other exemptions from the elevation requirements of WAC 236-100-015 must be granted by the department of general administration, ~~((division))~~ office of risk management. Agencies seeking an exemption must submit a purpose and use statement, including an explanation of why and how the structure, development, or substantial improvement will not comply with these flood mitigation standards. This information must be submitted in writing to the Risk Manager, Department of General Administration, ~~((Division))~~ Office of Risk Management, ((Second Floor, 2420 Bristol Court SW, MS: FS-24)) 303 General Administration Building, P.O. Box 40127, Olympia, Washington 98504. These requests will be reviewed on a case-by-case basis, and the risk manager will issue a letter of exemption no later than fourteen days after receipt of such request, if in his/her sole discretion it is appropriate to do so.

Denials of any exemptions may be appealed in writing to the Director of the Department of General Administration, 218 General Administration Building, MS: AX-22, Olympia, Washington 98504 within thirty days of the date of the denial letter.

**WSR 99-19-070**  
**EXPEDITED ADOPTION**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 16, 1999, 10:21 a.m.]

Title of Rule: Relief of benefit charges.

Purpose: To repeal WAC 192-12-400 and replace it with a revised rule in accordance with Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 50.20.020(2).

Summary: Establishes relief from select benefit charges for contribution-paying nonlocal government base year employers for payment of benefits.

Reasons Supporting Proposal: Housekeeping chore in keeping with Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: George Mante, 212 Maple Park, Olympia, WA, (360) 902-9642; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, WA, (360) 902-9303.

Name of Proponent: Employment Security Department, UI Tax Administration, UI Division, P.O. Box 9046, Olympia, WA 98507, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is of a housekeeping nature only and is only for contribution-paying nonlocal government base year employers who may request relief from select benefit charges. Establishes that this type of employer must return a request for Relief of Benefit Charges received or postmarked within thirty days of the mailing of the Notice to Base Year Employer (EMS 166). Also notes the availability of appeal rights under RCW 50.32.050.

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 George Mante, Employment Security, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507, AND RECEIVED BY November 22, 1999.

September 14, 1999

Carver Gayton

Commissioner

**Chapter 192-320-WAC**

**NEW SECTION**

**WAC 192-320-065 Relief of benefit charges.** For purposes of RCW 50.20.020(2) a contribution-paying non-local government base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual.

(1) **Employer added to a monetary determination as the result of a re-determination.** The employer's request for relief of benefit charges must be received or postmarked within thirty (30) days of mailing the notification of re-determination (Notice to Base Year Employer - EMS 166).

EXPEDITED ADOPTION

(2) **Timely Response.** The commissioner may consider a request for relief of benefit charges that has not been received or postmarked within thirty (30) days as timely if the employer establishes good cause for the untimely response.

(3) **Additional Information.**

(a) The employer shall provide the information requested by the department within thirty (30) days of the mailing date of the department's request.

(b) It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to make a determination of relief of benefits charges, or good cause, for failure to respond in a timely manner.

(c) Failure to respond within thirty (30) days will result in a denial of the employer's request for relief of benefit charges unless the employer establishes good cause for the untimely response.

(4) **Denial and Appeal of Request.** Any denial of a request for relief of benefit charges shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-12-400

### WSR 99-19-071

#### EXPEDITED ADOPTION

### EMPLOYMENT SECURITY DEPARTMENT

[Filed September 16, 1999, 10:22 a.m.]

Title of Rule: Conditions for relief of benefit charges due to a voluntary quit.

Purpose: To establish those reasons for a voluntary quit attributable or nonattributable to an employer who is contribution-paying nonlocal government base year employer.

Other Identifying Information: Repeals WAC 192-12-405 in accordance with Executive Order 97-02.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 50.20.020(2) and 50.29.020(3).

Summary: To comply with Governor Locke's Executive Order 97-02 and make the rule more readable to the general public.

Reasons Supporting Proposal: To clearly set forth the reasons a voluntary quit may be attributable or not attributable to a set class of employers.

Name of Agency Personnel Responsible for Drafting: George Mante, 212 Maple Park, Olympia, WA, (360) 902-9642; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, WA, (360) 902-9303.

Name of Proponent: Employment Security Department, UI Tax Administration, UI Division, P.O. Box 9046, Olympia, WA 98507, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule replaces WAC 192-12-405 which is repealed. The language and arrangement of the new rule is more readable to the general public in accordance with Governor Locke's Executive Order 97-02. This rule applies only to contribution-paying nonlocal government base year employers. This rule sets forth the reasons that an employee may have voluntary quit which are attributable, or not attributable to the employer.

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 George Mante, Employment Security Department, UI Tax Administration, P.O. Box 9046, Olympia, WA 98507-9046, AND RECEIVED BY November 22, 1999.

September 14, 1999

Carver Gayton

Commissioner

### Chapter 192-320-WAC

#### NEW SECTION

**WAC 192-320-070 Conditions for relief of benefit charges due to a voluntary quit.** A contribution-paying non-local government base year employer, who has not been granted relief of charges under RCW 50.20.020(2) may request relief of charges for a voluntary quit not attributable to the employer under RCW 50.29.020(3) and WAC 192-320-065.

**(1) Reasons for a voluntary quit not attributable to the employer may include, but are not limited to:**

(a) The claimant's illness or disability or the illness, disability or death of a member(s) of the claimant's immediate family;

(b) The claimant's domestic responsibilities;

(c) Accepting a job with another employer;

(d) Relocating for a spouse's employment;

(e) Starting or resuming school or training;

(f) Being in jail;

(g) The distance to the job site when the job was accepted and the distance at the time of the quit remained the same, or the job location may have changed; but the distance traveled or difficulty of travel was not increased;

(h) Being dissatisfied with wages, hours or other working conditions generally known when the job was accepted; and the working conditions are determined suitable for the occupation in the claimant's labor market.

(2) **Reasons for a voluntary quit considered attributable to employer** are those work-related factors of such a compelling nature as to cause a reasonably prudent person to leave employment. The work factors must have been reported to the employer if the employer has reasons not to be aware of the conditions, and the employer failed to improve the factors within a reasonable period of time. Such work-related factors may include, but are not limited to:

- (a) Change in work location which causes an increase in distance and/or difficulty of travel, but only if it is clearly greater than is customary for workers in the individual's classification and labor market;
- (b) Deterioration of work site safety provided the employee has reported such safety deterioration to the employer; and the employer has failed to correct the hazards within a reasonable period of time;
- (c) Employee skills no longer required for the job;
- (d) Unreasonable hardship on the health or morals of the employee;
- (e) Reductions in hours;
- (f) Reduction in pay;
- (g) Notification of impending layoff; and
- (h) Such other work-related factors as the commissioner may deem pertinent.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 192-12-405.

**WSR 99-19-075  
EXPEDITED ADOPTION  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed September 16, 1999, 11:36 a.m.]

Title of Rule: Chapter 236-70 WAC. A rule to facilitate private investment in energy conservation for state-owned facilities.

Purpose: To incorporate editorial changes which reflect current industry terminology and eliminate redundancy of information already provided within other subsections of the WAC.

Other Identifying Information: WAC 236-70-040, subsections (4), (7), (9)(e), (10), (10)(d), (11) and (12); WAC 236-70-050, subsections (2), (6) and (8); WAC 236-70-060, subsections (4) and (7); and WAC 236-70-080(3) are changed. WAC 236-70-070 is repealed.

Statutory Authority for Adoption: RCW 43.19.680(4).

Summary: Editorial changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Clint Lougheed, Mailstop 41012, General Administration Division of Engineering and Architectural Services, 902-7262.

Name of Proponent: Facilities Engineering Services, General Administration Division of Engineering and Architectural Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this chapter is to establish rules which can be used to facilitate private investment in energy conservation measures and services for state-owned facilities.

Proposal does not change existing rules. The changes to chapter 236-70 WAC are editorial in nature and do not change the intent of the RCW.

**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 Clint Lougheed, Facilities Engineering Services, General Administration Division of Engineering and Architectural Services, P.O. Box 41012, Olympia, WA 98504-1012, AND RECEIVED BY December 1, 1999.

September 16, 1999

John M. Lynch

Acting Assistant Director

General Administration Engineering  
and Architectural Services

**AMENDATORY SECTION** (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-040 Definitions.** The following words and terms have the following meanings for the purposes of this chapter:

((+)) "Base period" means a preceding twelve-month period, or longer, selected as the standard for measurement of energy consumption and energy savings due to implementation of energy conservation measures or services.

((2)) "Energy conservation maintenance and operating procedure" means modification or modifications in maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

((3)) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow use of an alternative energy source.

((4)) "Energy consumption" means the amount of electrical energy and demand, natural gas, oil, propane or other fuel consumed in a facility in any billing period. It also applies to utility services, such as water and sewer, which

EXPEDITED ADOPTION

require energy to be consumed to supply the services to the facility.

"Energy conservation service" means a service which provides preestablished levels of heating, cooling, lighting, and equipment use at reduced energy consumption levels. The services may include, but are not limited to, providing financing, design, installation, repair, maintenance, management, technical advice, and/or training.

~~((5))~~ "Energy cost savings" means energy savings converted into dollar savings.

~~((6))~~ "Energy savings" means the amount of energy expressed in standard units (e.g., therms, gallons, kilowatt hours) of energy saved by an energy conservation measure or service.

~~((7))~~ "Energy service company" means a company that provides energy conservation services.

"Facility" means a building, a group of buildings served by a central energy distribution system, components of a central energy distribution system, related structures and/or energy consuming appurtenances.

~~((8))~~ "Net benefit" means the energy cost savings less the cost of the energy conservation measure or service provided.

~~((9))~~ "Private investment or private financing" of energy projects means obtaining project funds by other than capital appropriation or governmental grants, and includes, but is not limited to, the following:

~~((a))~~ "Guaranteed savings" means a program in which a company guarantees a user a predetermined reduction in energy costs. The company guarantees that energy costs plus all costs of the energy conservation measures or services provided will be less than the user's normal energy costs.

~~((b))~~ "Leasing" means using a piece of property without transferring ownership. Leasing is an alternative to direct ownership of energy saving equipment. This is also known as an operating lease.

~~((c))~~ "Municipal or capital leasing" means a tax exempt lease where the cost of equipment is amortized over the lease term. At the end of the lease period ownership passes to the lessee. This is also known as a lease purchase.

~~((d))~~ "Shared savings" means a program in which the sole source of payment for energy conservation measures or services provided by a company is a predetermined percentage of the energy cost savings of the user resulting from the energy conservation measure or service.

~~((e))~~ "Utility financing" means grants, loans, and resource acquisition payments provided by utilities for energy conservation.

~~((f))~~ "Vendor financing" means financing provided by an equipment supplier, equipment manufacturer, company or contractor.

~~((10))~~ "Request for ~~((proposal))~~ qualifications" means the document which communicates information to prospective contractors and should include, but not be limited to:

- ~~((a))~~ "A description of the problem;
- ~~((b))~~ "Expected results from the project;
- ~~((c))~~ "Extent and nature of anticipated contract services; and
- ~~((d))~~ "Criteria for evaluating ~~((proposals))~~ statements of qualifications.

~~((11))~~ "State agency" means all departments, boards, commissions, colleges, community colleges, and universities who own and operate state facilities, related structures, and/or appurtenances.

~~((12))~~ "State owned facilities" means those facilities which are owned outright by the state and those facilities which are being purchased by the state. "State agency" means all departments, boards, commissions, colleges, community and technical colleges, and universities who own and operate or who have some responsibility for the ownership and operation of state facilities, related structures, and/or appurtenances.

"State-owned facilities" means those facilities which are owned outright by the state, those facilities which are being purchased by the state, and those facilities which the state has provided full or partial construction funding or provides full or partial operations funding.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-050 Department of general administration responsibilities.** The department of general administration shall be responsible for:

(1) Providing technical assistance through inter-agency agreements.

(2) Developing ~~((standards))~~ procedures for ~~((requests for proposal for private financing))~~ requesting qualifications of energy service companies consistent with RCW 43.19.680.

(3) Developing standards for bid documents for private financing.

(4) Developing standards for contract documents for energy conservation measures and services using private financing including the means of establishing the base period consumption, the methodology for computing energy savings and the method of payment.

(5) Soliciting bids or quotations for the lease or purchase of energy conservation measures using private financing for those state agencies included in RCW 43.19.190.

(6) ~~((Advertising for bids or proposals for))~~ Publishing requirements to procure energy conservation measures or services using ~~((private financing))~~ energy service companies for those state agencies included in RCW 43.19.450.

(7) Developing procedures for evaluating financing proposals.

(8) Monitoring ~~((private financing contracts))~~ energy service company agreements, conducting annual reviews and providing technical assistance as needed.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-060 State agency responsibilities.** State agencies seeking private financing of energy conservation measures or services will be responsible for:

(1) Notifying the department of general administration of their intent, and providing justification for project implementation.

(2) Completing all applicable maintenance and operational items as required by RCW 43.19.670. This does not preclude seeking energy conservation services to facilitate implementation of maintenance and operating procedures.

(3) Providing the department of general administration with substantive data, information, calculations, contracts, or other material which are necessary in determining the cost effectiveness of the project and the financial alternatives.

(4) Preparing, or acquiring services for the preparation of, requests for ~~((proposal))~~ qualifications for energy conservation measures and services using ~~((private financing))~~ energy service companies.

(5) Providing building space and/or land for installation of energy conservation equipment.

(6) Providing maintenance and monitoring of installed energy conservation equipment unless otherwise specified.

(7) Reporting fuel and utility consumption survey information required by RCW 43.19.670 to the ~~((Washington state energy office))~~ department of general administration.

(8) Providing for staff training on the function, operation and maintenance of energy conservation equipment.

(9) Reporting contract status on an annual basis to the department of general administration.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-080 Monitoring and reporting requirements.** The following procedures are set forth for monitoring ~~((private financing contracts))~~ energy service company agreements and for reporting contract status to the department of general administration:

(1) The monitoring of installed energy equipment will be the responsibility of the state agency, unless otherwise specified, and will include reporting contractor response to maintenance and emergency situations to the department of general administration.

(2) The state agency will report facility operating changes, physical changes, equipment changes, equipment modifications or other changes which may affect energy consumption or base period figures to the department of general administration.

(3) The state agency, in cooperation with the department of general administration, will develop a schedule for annual review of ~~((private financing contracts))~~ energy service company agreements for the purpose of: Evaluating projected "vs" actual energy savings; adjusting base period and energy savings formula; evaluating purchase options; evaluating contractor performance; and negotiating contract disagreements and other contract changes which may provide the state with a greater net benefit.

**WSR 99-19-076**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed September 16, 1999, 11:37 a.m.]

Title of Rule: Chapter 194-20 WAC, Energy efficiency services account.

Purpose: To delete all reference to the Washington State Energy Office and replace with the Department of General Administration, the agency directed to administer the activities of the energy efficiency services account program.

Other Identifying Information: WAC 194-20-010, 194-20-020(1-4,6,7), 194-20-030, 194-20-040, 194-20-050, and 194-20-080 are changed. WAC 194-20-020(5), 194-20-060, and 194-20-070 are repealed.

Statutory Authority for Adoption: Chapter 39.35C RCW.

Summary: Incorporate editorial changes that identify General Administration as the agency administering the energy efficiency services account program, repeal those subsections of chapter 194-20 WAC that refer to programs not administered by General Administration, modify terminology with the subsections appropriate to the intent of the WAC, recodify to include WAC in General Administration Title 236 WAC.

Reasons Supporting Proposal: Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Facilities Engineering Services, Mailstop 41012, General Administration Division of Engineering and Architectural Services, 902-7262; Implementation and Enforcement: Clint Loughheed, Mailstop 41012, General Administration, Division of Engineering and Architectural Services, 902-7262.

Name of Proponent: Facilities Engineering Services, General Administration Division of Engineering and Architectural Services, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Executive Order 97-02 mandates these changes.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Restructuring of the Washington State Energy Office (WSEO) in 1996 resulted in the dissemination of the agency's programs to General Administration (GA), Community, Trade and Economic Development (CTED), Washington State University (WSU), and the Department of Transportation (DOT). Chapter 194-20 WAC provides administrative guidelines for the Energy Efficiency Services Account (EESA) program which now resides within General Administration. Editorial corrections are required to change references within chapter 194-20 WAC from WSEO to GA. The repeal of WAC 194-20-020(5), 194-20-060 and 194-20-070 are required because they refer to programs not administered by GA. WAC 194-20-080 is modified to reduce the restrictiveness of the working capital account balance which is necessary to maintain a positive operating cash flow while meeting the requirements of the current expenditure appropriation cap placed on the EESA account when it was transferred to



GA. These changes are necessary to meet the requirements of Executive Order 97-02.

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 Clint Loughed, Facilities Engineering Services, General Administration Division of Engineering and Architectural Services, P.O. Box 41012, Olympia, WA 98504-1012, AND RECEIVED BY December 1, 1999.

September 16, 1999

John M. Lynch

Acting Assistant Director

General Administration Engineering  
and Architectural Services

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-010 Purpose.** This chapter implements the provisions of section ~~((12))~~ 415 and related sections of chapter ~~((201))~~ 186, Laws of ~~((1994))~~ 1996, establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-020 Definitions.** (1) ("~~WSEO~~") "Department" means the ~~((Washington state energy office))~~ state department of general administration.

(2) "Energy ~~((partnerships))~~ services" means the energy efficiency program that emerges from chapter ~~((201))~~ 186, Laws of ~~((1994))~~ 1996, the mission of which is the fulfillment of the requirements of that legislation: To achieve cost-effective conservation improvements in state and school district facilities and to investigate and, if appropriate, to pursue development of cost-effective cogeneration in existing ~~((and/))~~ or new state facilities.

(3) "Energy life cycle cost analysis ((LCCA)) (ELCCA)" means the method of economic analysis which accounts for the initial cost and the cost of operation of a major facility or its systems over its economic life. (See RCW 39.35.030(7).) Chapter 39.35 RCW requires that an ~~((LCCA))~~ ELCCA be prepared prior to construction or alteration of a publicly owned or leased facility having twenty-five thousand square feet or more of usable floor space.

(4) "Energy conservation report (ECR)" means the report ~~((in which LCCA's are))~~ describing the ELCCA performed

for schools, funded in part by the Washington superintendent of public instruction and reviewed by ~~((WSEO))~~ the department. The contents of the report and the submission procedures are outlined in the ~~((WSEO))~~ department's publication, ~~(("Guidelines for Preparing Energy Conservation Reports."))~~ "Energy Life Cycle Cost Analysis Guidelines for Public Agencies."

(5) ~~(("School building energy characteristics report (SBEC)" means the conservation report which communicates compliance with the governing energy code, required for smaller projects not affected by WAC 180-27-075.~~

(6)) "Energy efficiency project" means a project which reduces energy consumption or energy cost, or increases the efficient use of energy. It includes activities, measures, and/or equipment designed to achieve these results.

~~((7))~~ (6) "Cogeneration project" means a project which results in the sequential generation of two or more forms of energy from a common fuel or energy source.

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-030 Criteria and procedures for setting fees.** The ~~((WSEO))~~ department will charge fees sufficient to recover the cost of providing services to state agencies ~~((and)),~~ school districts, and public agencies which undertake energy efficiency or cogeneration projects under the energy ~~((partnerships))~~ services program. Recoverable costs include, but are not limited to all necessary costs of providing services directly to ~~((client institutions))~~ public facilities, of monitoring and implementing utility agreements when utilities elect to offer designated services, and of monitoring agreements with private consultants or energy service companies who provide energy ~~((partnerships))~~ services. ~~((WSEO's))~~ The department's fees are based on hourly rates and the billable hours of service providers, and ~~((shall))~~ include all technical and program costs, and associated administrative costs. Fees are negotiated between ~~((WSEO))~~ the department and the ~~((institution))~~ public facility being served, except for fees to review ~~((LCCA's))~~ ELCCA's and ECR's.

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-040 Energy life cycle cost analysis/energy conservation report fees.** Fees for ~~((LCCA))~~ ELCCA and ECR reviews will be established to recover ~~((WSEO's))~~ the department's actual costs in conducting the reviews. ~~((Annually, these costs will be evaluated and a revised fee schedule will be published, effective July 1 of the year in which it is issued. WSEO's))~~ The department's fee for an ~~((LCCA))~~ ELCCA or ECR review will not exceed two thousand dollars or one-tenth of one percent of the project's total design and construction cost, whichever is less, unless mutually agreed by the ~~((institution))~~ public agency and ~~((WSEO))~~ the department. ~~((No fee is charged for school building energy characteristics report reviews.~~

~~((WSEO))~~ The department shall annually evaluate whether energy savings resulting from its review of ~~((LCCA's))~~ ELCCA's and ECR's justify the costs of perform-

ing the reviews. ((WSEO shall make the results of that report available to the public, on request.))

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-050 Receipt of funds.** ((WSEO)) The department requires full payment of its invoices in the form of a check made payable to ((WSEO)) the department or an electronic fund transfer. For ((LCCA's)) ELCCA's and ECR's submitted for review, ((institutions)) public facilities will be invoiced when the review takes place. For all other energy conservation or cogeneration services, ((institutions)) public facilities will be invoiced on a monthly basis unless other financing arrangements are mutually agreed upon in advance.

**AMENDATORY SECTION** (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-080 Working capital requirements.** The ((WSEO)) department establishes an initial goal of building within the energy efficiency services account a working capital account balance equal to ((four to five months)) a minimum of one month of operating costs.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 194-20-060 Net revenue from transactions for conservation.
- WAC 194-20-070 Net savings and net revenue from transactions for cogeneration.

**NEW SECTION**

The following sections of the Washington Administrative Code, as amended, are recodified as follows:

Old WAC Number	New WAC Number
194-20-010	236-200-010
194-20-020	236-200-020
194-20-030	236-200-030
194-20-040	236-200-040
194-20-050	236-200-050
194-20-080	236-200-060

**WSR 99-19-096**  
**EXPEDITED ADOPTION**  
**UNIVERSITY OF WASHINGTON**  
 [Filed September 20, 1999, 9:08 a.m.]

Title of Rule: Chapter 478-324 WAC, Rules and regulations for the University of Washington implementation of the State Environmental Policy Act.

Purpose: The State Environmental Policy Act (SEPA) ensures that environmental values and impacts are considered during decision making. Chapter 478-324 WAC implements SEPA rules and regulations for the University of Washington.

Statutory Authority for Adoption: RCW 43.21C.120.  
 Statute Being Implemented: RCW 43.21C.120.

Summary: Chapter 43.21C RCW, State environmental policy, was adopted in the early 1970s and the SEPA guidelines, chapter 197-10 WAC, became effective in January 1976 and amended in 1981. These guidelines include specific procedural requirements, lead agency responsibilities, the threshold determination process, and methods to reduce duplication, unnecessary paperwork and delay.

Reasons Supporting Proposal: Chapter 478-324 WAC has worked well since its adoption. Revisions are needed now to bring the chapter up to date with changes to the state's guidelines and with the reorganization of the University of Washington's Capital Projects Office. Additionally, clarification of the notification process is needed.

Name of Agency Personnel Responsible for Drafting and Enforcement: Fredrick W. King, Assistant Vice-President for Capital Projects, 105 Physical Plant Office Building, University of Washington, (206) 221-4344; and Implementation: Weldon E. Ihrig, Executive Vice-President, 306 Gerberding Hall, University of Washington, (206) 543-6410.

Name of Proponent: University of Washington, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed rule changes help to reduce paperwork, duplication and delay as well as implement the environmental policies of the University of Washington.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes are housekeeping in nature. These changes bring the existing rules into conformance with changes to the state's rules governing environmental compliance and organizational changes within the University of Washington's Capital Projects Office. The proposed changes clarify existing procedures. The proposed changes have been reviewed and approved by the University of Washington's SEPA Advisory Committee and the City University Community Advisory Committee. These committees include City of Seattle officials; community members; and University of Washington faculty, staff and students.

Proposal Changes the Following Existing Rules: The proposal amends the following sections of the Washington Administrative Code: WAC 478-324-020, 478-324-030, 478-324-040, 478-324-060, 478-324-070, 478-324-090, 478-324-110, 478-324-120, 478-324-130, 478-324-140, 478-324-150, 478-324-170, 478-324-180, 478-324-190, 478-324-200, and 478-324-210.

The proposal repeals the following section of the Washington Administrative Code: WAC 478-324-050.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING**

**EXPEDITED ADOPTION**

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 Rebecca Goodwin Deardorff, Administrative Procedures Officer, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, campus mail Box 355509, fax (206) 543-0786, AND RECEIVED BY November 22, 1999.

September 16, 1999

Rebecca Goodwin Deardorff  
Administrative Procedures Officer

**AMENDATORY SECTION** (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-020 Adoption by reference.** The university hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

### **General Requirements**

#### WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
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AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-030 Additional consideration in timing of threshold determination and EIS process.** (1) For

project-type actions involving construction or modification of facilities, the threshold determination, DNS, mitigated-DNS, or draft EIS shall be completed ~~((prior to))~~ no later than the authorization to prepare ~~((working drawings))~~ construction documents. When an EIS is required, the final EIS shall be issued no later than seven days prior to the award of a construction contract.

(2) For nonproject-type actions, the threshold determination ~~((and any required))~~, DNS, mitigated-DNS, or EIS shall be completed prior to final approval or adoption of the proposal by the board of regents or agent delegated by the board to take such action. When an EIS is required, the final EIS shall be issued no later than seven days prior to the approval or adoption of a proposal.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-040 SEPA advisory committee established for environmental review.** A SEPA advisory committee (the committee) shall be established to assist the university with environmental review and with integrating SEPA procedures with the planning and decision((-)making process. The committee shall aid the university in complying with the State Environmental Policy Act (chapter 43.21C RCW) and State Environmental Policy Act rules (chapter 197-11 WAC), except for those actions pertaining to the metropolitan tract. The committee shall consist of members representing the students, faculty, and staff of the university and shall be appointed by the president. It shall be the mission of the committee to ensure that sound decision((-)making at the university includes early consideration of environmental values and goals and timely preparation and review of environmental analysis. ~~((This mission shall be carried out in the following ways:~~

~~(1) The committee shall adopt procedures which provide for the review of environmental documents within the time limits established by WAC 197-11-455(6), 197-11-340, and 197-11-408.~~

~~(2) The committee shall be involved from the initiation of the university's scoping procedures.~~

~~(3) The committee shall review all nonexempt actions for compliance with the provisions of the SEPA rules. Generally, review shall occur:~~

~~(a) At the earliest possible time after a proposed action is sufficiently well defined to permit meaningful environmental analysis.~~

~~(b) In all cases, before a final decision has been made.~~

~~(4) Specifically, committee review shall occur:~~

~~(a) After completion of an environmental checklist but before threshold determination.~~

~~(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.~~

~~(c) Prior to the responsible official issuing a mitigated DNS.~~

~~(d) Prior to the publication of any draft EIS.~~

~~(e) Prior to the publication of any final EIS.~~

EXPEDITED ADOPTION

~~(5) At least one member representing the committee shall attend public hearings on the environmental impact of a proposal.~~

~~(6) To enable the SEPA advisory committee to be involved in the university's SEPA procedures at the earliest possible time, the university environmental planning staff shall:~~

~~(a) Review capital project programs, project proposals, and nonproject proposals to identify potential environmental issues and/or constraints.~~

~~(b) Consult with the chairperson on significant issues to determine which issues should be reviewed with the full committee.~~

~~(7) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.)~~

#### NEW SECTION

##### **WAC 478-324-045 SEPA committee responsibility.**

(1) The responsible official shall consult with the committee as follows:

(a) After completion of an environmental checklist but before threshold determination.

(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.

(c) Prior to the responsible official issuing a mitigated DNS.

(d) Prior to the issuance of a scoping notice.

(e) Prior to the publication of any draft EIS.

(f) Prior to the publication of any final EIS.

(2) Committee review of DNS and mitigated DNS may occur without a formal meeting.

(3) The university shall give the committee notice of public hearings on the environmental impact of a proposal.

(4) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-060 Additional considerations in determination of nonsignificance.** (1) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

(2) If the university withdraws a DNS and makes a new threshold determination, the responsible official shall send notice of any withdrawn DNS and new threshold determination to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee ((shall be advised of any withdrawn DNS and the reasons for its withdrawal)).

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-070 Additional considerations in mitigated DNS.** (1) In consultation with the SEPA advisory committee, ~~((city-university community advisory committee, and other agencies with jurisdiction,))~~ the responsible official will determine if there are mitigating measures and clarifications or changes to the environmental checklist which would reduce impacts to the extent that a mitigated DNS could be issued.

(2) All mitigation measures in a mitigated DNS for a proposed project shall be included in the final project, with the exception of any measures clearly the responsibility of another agency.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-090 Additional considerations in determination of significance and scoping.** (1) Scoping shall be used for EIS's and supplemental EIS's.

(2) The university shall notify members of the SEPA advisory committee, the city-university community advisory committee, agencies with jurisdiction, and others on the university SEPA mailing list of the DS and the initiation of this scoping process. Written comments shall be provided to the university within twenty-one days of the issuance of the DS.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-110 Additional recipients of DEIS.** (1) The university shall send copies of the draft EIS to the SEPA advisory committee~~(;)~~ and the city-university community advisory committee~~((; other agencies with jurisdiction, and all individuals, organizations and agencies who provided comments during the scoping process))~~.

(2) The university shall provide notice of the draft EIS to all individuals, organizations and agencies who provided comment during the scoping process.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-120 Additional recipients of FEIS.** ~~((A final EIS (FEIS) shall be issued by the responsible official and shall be sent to))~~ (1) The university shall send copies of the final EIS to the SEPA advisory committee and the city-university community advisory committee~~((; agencies with jurisdiction, the SEPA advisory committee, all other individuals, organizations and agencies who provided comments on the draft EIS, and to anyone requesting an FEIS. Notices of availability of the final EIS shall be sent to others on the SEPA mailing list and to those who expressed an interest in the draft EIS, but who did not provide comments))~~.

(2) The responsible official shall send notice of availability of the final EIS to anyone who received and/or commented on the DEIS.

**AMENDATORY SECTION** (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-130 Establishment of SEPA information center.** (1) The University of Washington Visitors(?) Information Center shall serve as the university's SEPA information center.

(2) The following documents shall be maintained at the SEPA (~~(public)~~) information center:

(a) Copies of all SEPA public information registers for a period of one year from the date of publication.

(b) Copies of all environmental checklists, determinations of nonsignificance and determinations of significance for a period of one year from the date of issue.

(c) Copies of all current scoping and public hearing notices.

(d) Copies of all draft and final EIS's for a period of three years after the date of publication, except that technical appendices need not be maintained at the SEPA information center if adequate notice is provided regarding where on campus such appendices are located.

(e) Copies of all (~~(documents)~~) draft and final EIS's which have been incorporated by reference ((in the environmental assessments)) shall be maintained at the SEPA information center for the same time period as the underlying document is maintained.

(f) A current list of individuals designated as responsible officials for university compliance with SEPA.

(g) A current membership list of the SEPA advisory committee.

(h) Copies of agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.

(3) The documents at the SEPA information center shall be available for public inspection and copies thereof shall be provided upon request. A fee to cover the actual cost of printing/copying may be charged for copies.

**AMENDATORY SECTION** (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-140 Additional methods of public notice.** The university shall provide public notice of scoping, DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EIS's by:

(1) (~~(Sending copies of the document or notice of availability of the document to those identified in WAC 478-324-090 above;~~

(2)) Posting a notice on or near the proposed site (for project EIS's);

(~~(3))~~ (2) Providing notice in such form as a press release or advertisement in (~~(the University Week, University of Washington Daily, and a Seattle newspaper of general circulation))~~ a legal newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., Daily Journal of Commerce).

(3) Providing notice in such form as a press release or advertisement in the University Week and University of Washington Daily. If the University Week and/or the University of Washington Daily is not in publication, then notice

shall instead be published in a newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., The Seattle Times or The Seattle Post-Intelligencer).

**AMENDATORY SECTION** (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-150 Additional definitions.** (1) "Final action" means the university's decision to proceed or not proceed with a proposal and is so defined in compliance with public notice requirements, RCW 43.21C.080. For proposals involving a series of decision points, the final action shall be clearly identified in the environmental checklist and/or EIS. The point at which the final action is made during the planning process may vary depending upon the nature of the proposal, but at no time shall the final action occur before (~~((fifteen))~~) fourteen days following issuance of a DNS or seven days following issuance of an FEIS.

(2) (~~("Lead unit" means that unit of the university which is responsible for preparing the environmental checklist, making the threshold determination, and preparing the draft and final EIS's.~~

(3)) "SEPA mailing list" means a current list maintained at the (~~(campus planning))~~ capital projects office at the university of all individuals, groups, and agencies who have communicated to the university their interest in SEPA policies, procedures, and documents. This list shall include the city-university community advisory committee and all community organizations represented on the committee, including those with alternative representation.

**AMENDATORY SECTION** (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-170 Emergencies.** Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

(1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, (~~((state))~~) water(~~(s)~~), or (~~((en))~~) land.

(2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.

(3) Clean-up or decontamination of academic and research facilities or equipment (~~((accidentally))~~) accidentally exposed or contaminated, to permit maintenance, repair or relocation, when procedures followed are in accordance with federal or state guidelines, recommendations, or standards.

(4) Emergency actions implemented to reduce an imminent hazard to the health and safety of an element of the university resulting from structural failure, equipment malfunction, human error or natural event.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-180 Designation of responsible official.** ~~((1) The president shall appoint a responsible official for each unit of the university which may propose a nonexempt action:~~

~~(2)) The ((director of campus planning)) assistant vice president for capital projects or his or her designee shall serve as the responsible official for ((any unit of the)) all university ((which requests that the campus planning office serve as the lead unit)) projects.~~

~~((3) Responsible officials shall carry out the duties and functions of the university with regard to these rules for all major actions initiated by their unit.))~~

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-190 Procedures on consulted agencies.** The ~~((campus planning))~~ capital projects office shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EIS's, and supplemental EIS's.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-200 Determining the lead agency.** (1) Except as otherwise specially provided herein, the university shall serve as the lead agency for all proposals ~~((it initiates. In the event that one or more additional agencies share in the implementation of the proposal, the university and the agencies shall by agreement determine which agency will assume the status of lead agency. Any dispute over lead agency determination shall be settled in accordance with the provisions of WAC 197-11-946)).~~

(2) When the total proposal will involve both private and university construction activity, it shall be characterized as either a private or a university project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the university or a private party. Any project in which university and private interests are too intertwined to make this characterization shall be considered a university project.

(3) The university's responsibilities as lead agency include complying with the threshold determination procedures; the initiation and administration of the scoping process; the supervision or actual preparation of draft EIS's, including the circulation of such statements, the conduct of any public hearings or public meetings required by these rules; and the supervision or preparation of required final EIS's and supplemental EIS's.

AMENDATORY SECTION (Amending WSR 84-20-074, filed 10/2/84)

**WAC 478-324-210 Determination of lead unit.** (1) For university actions subject to SEPA, the ~~((campus plan-~~

~~ning)) capital projects office ((or the university academic or administrative unit initiating or administering the action)) shall be charged with the university's lead agency responsibilities.~~

~~(2) ((For actions involving more than one university unit, the involved units shall by agreement determine which unit will assume the university's lead agency responsibilities. Any dispute as to lead unit determination shall be resolved by the president.~~

~~(3)) The ((campus planning)) capital projects office shall have primary university responsibility for providing procedural advice with regard to these rules.~~

~~(3) All university units with environmental expertise should strive to make their services available to ((lead units)) the capital projects office to assist in the university's compliance with SEPA.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-324-050

Additional considerations in threshold determination process.

**WSR 99-19-106**

**EXPEDITED ADOPTION**

**DEPARTMENT OF REVENUE**

[Filed September 20, 1999, 3:54 p.m.]

Title of Rule: Amending section WAC 458-18-220 Refunds—Rate of interest.

Purpose: To provide the rate of interest that will be assessed when property taxes are refunded.

Statutory Authority for Adoption: RCW 84.69.100.

Statute Being Implemented: RCW 84.69.100.

Summary: The rates of interest reflected in this rule are used when property taxes are refunded. The rates of interest are shown in order by referring to the year the property taxes were paid. The rule is being revised to provide the rate of interest for auction year 1999 to be used as a basis when taxes paid in 2000 are refunded.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be assessed when property taxes are refunded. It also requires the department to annually adopt a rule that specifies the amount of interest to be collected for each year property taxes were paid.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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



Explanation of Rule, its Purpose, and Anticipated Effects: RCW 84.69.100 requires a refund of taxes to include interest from the date of collection of the portion refundable. The statute specifies that the rate of interest shall be the equivalent coupon issue yield of the average bill rate for twenty-six treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. It also mandates the department shall adopt this rate of interest by rule. WAC 458-18-220 sets forth the rate of interest on a yearly basis and is used by county officials to calculate the total amount of property taxes to be refunded to the taxpayer.

Proposal Changes the Following Existing Rules: The proposed rule amends the current version of WAC 458-18-220. The amendments to this rule specify the rate of interest to be paid when taxes paid in 2000 are refunded in accordance with RCW 84.69.100.

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 22, 1999.

To obtain a copy of this form and rule in an alternative format: Contact Ginny Dale at (360) 586-0721, TDD 1-800-451-7985. Please allow ten days for the form and rule to be prepared and sent to you.

September 20, 1999

Claire Hesselholt  
Rules Manager

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 99-01-066, filed 12/14/98, effective 1/1/99)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
<u>2000</u>	<u>1999</u>	<u>4.96%</u>

**WSR 99-19-107**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF REVENUE**

[Filed September 20, 1999, 3:56 p.m.]

Title of Rule: Amendatory section WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

**Purpose:** To provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW (the open space program) during assessment year 2000.

**Statutory Authority for Adoption:** RCW 84.34.065.

**Statute Being Implemented:** RCW 84.34.065.

**Summary:** The rule is being amended to update the interest rate and property tax component used to value farm and agricultural land classified under chapter 84.34 RCW. The amendments provide information local taxing officials need to value classified farm and agricultural land during assessment year 2000.

**Reasons Supporting Proposal:** RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component. This information is to be set forth in a rule that is to be published in the state Register no later than January 1 of each year for use in that assessment year.

**Name of Agency Personnel Responsible for Drafting:** Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; **Implementation and Enforcement:** Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

**Name of Proponent:** Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-30-262 provides county assessors with information they need to value farm and agricultural land classified under chapter 84.34 RCW during assessment year 2000. The underlying statute, RCW 84.34.065, requires the rate of interest and property tax component set forth in the rule to be updated annually. These figures are used to determine the value of classified farm and agricultural land. RCW 84.34.065 mandates that a revised rule containing this data be published in the state Register no later than January 1st each assessment year.

Proposal Changes the Following Existing Rules: The rule being proposed amends the current version of WAC 458-30-262. The amendments to the rule change the rate of interest and property tax component. These figures will be used to value farm and agricultural land classified under chapter 84.34 RCW during assessment year 2000.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 22, 1999.

To obtain a copy of this form and rule in an alternative format: Contact Ginny Dale at (360) 586-0721, TDD 1-800-451-7985. Please allow ten days for the form and rule to be prepared and sent to you.

September 20, 1999

Claire Hesselholt

Rules Manager

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 99-01-067, filed 12/14/98, effective 1/1/99)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ((+999)) 2000, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ((+9.38)) 9.43 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((+4.6)) <u>1.42</u>	Lewis	((+22)) <u>1.23</u>
Asotin	((+4.5)) <u>1.40</u>	Lincoln	((+50)) <u>1.47</u>
Benton	((+5.3)) <u>1.48</u>	Mason	((+26)) <u>1.25</u>
Chelan	1.31	Okanogan	((+39)) <u>1.30</u>
Clallam	((+24)) <u>1.20</u>	Pacific	((+23)) <u>1.24</u>
Clark	1.34	Pend Oreille	((+28)) <u>1.30</u>

COUNTY	PERCENT	COUNTY	PERCENT
Columbia	((+33)) <u>1.42</u>	Pierce	((+59)) <u>1.52</u>
Cowlitz	((+18)) <u>1.21</u>	San Juan	((+84)) <u>0.85</u>
Douglas	((+35)) <u>1.34</u>	Skagit	((+30)) <u>1.29</u>
Ferry	((+25)) <u>1.22</u>	Skamania	((+07)) <u>1.06</u>
Franklin	((+54)) <u>1.52</u>	Snohomish	((+38)) <u>1.41</u>
Garfield	((+69)) <u>1.66</u>	Spokane	((+50)) <u>1.54</u>
Grant	((+50)) <u>1.52</u>	Stevens	((+16)) <u>1.19</u>
Grays Harbor	((+27)) <u>1.40</u>	Thurston	((+49)) <u>1.50</u>
Island	((+09)) <u>1.05</u>	Wahkiakum	((+13)) <u>1.11</u>
Jefferson	((+19)) <u>1.26</u>	Walla Walla	1.46
King	((+30)) <u>1.31</u>	Whatcom	((+27)) <u>1.30</u>
Kitsap	((+40)) <u>1.47</u>	Whitman	((+44)) <u>1.42</u>
Kittitas	((+05)) <u>1.07</u>	Yakima	((+36)) <u>1.25</u>
Klickitat	1.14		

**WSR 99-19-108  
EXPEDITED ADOPTION  
DEPARTMENT OF REVENUE**

[Filed September 20, 1999, 3:57 p.m.]

Title of Rule: Amendatory section WAC 458-30-590 Rates of inflation.

Purpose: To provide a rate of inflation that is used by county officials to calculate interest on deferred special benefit assessments and/or property taxes when land is removed from classification under chapter 84.34 RCW.

Statutory Authority for Adoption: RCW 84.34.360.

Statute Being Implemented: RCW 84.34.310.

Summary: Special benefit assessments and/or property taxes assessed on farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If a land owner has chosen to defer either the assessments and/or taxes, when the land is subsequently removed or withdrawn from classification, the deferred special benefit assessments and/or property taxes become due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest that is added to the deferred amount of special benefit assessments and/or property taxes.

Reasons Supporting Proposal: RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to publish this rate not later than January 1st of each year for use in that assessment year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-30-590 provides the rate of inflation used when farm and agricultural or timber land classified under chapter 84.34 RCW is removed or withdrawn from classification. When land is removed or withdrawn, the deferred

EXPEDITED ADOPTION

amounts of special benefit assessments and/or property taxes plus interest are due and payable. This rate of inflation is used to calculate the rate of interest. The revised rule will provide the rate of inflation used to calculate the rate of interest used during assessment year 2000. It will give local taxing officials data they need to properly collect the amount of deferred assessments and/or property taxes plus interest due when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW.

Proposal Changes the Following Existing Rules: The proposed rule amends the current version of WAC 458-30-590. It is being revised to provide the rate of inflation for 1999 that will be used to calculate the amount of interest due when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW during assessment year 2000.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 22, 1999.

September 20, 1999

Claire Hesselholt

Rules Manager

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 99-01-068, filed 12/14/98, effective 1/1/99)

**WAC 458-30-590 Rates of inflation. (1) Introduction.**

This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) **Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3

YEAR	PERCENT	YEAR	PERCENT
1996	2.2	1997	2.1
1998	0.85	1999	1.42

**WSR 99-19-134  
EXPEDITED ADOPTION  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 21, 1999, 3:48 p.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal harbor net rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Coastal harbor net rules are set for the 1999 season.

Reasons Supporting Proposal: Preseason meetings at the North of Falcon subgroup identified harvestable stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules set the gill net season for Grays Harbor and Willapa and allow harvest of salmon returning to these waters and the rivers that flow into them.

Proposal Changes the Following Existing Rules: Sets 1999 salmon seasons.

**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 Evan Jacoby, Rules Coordinator, Washington State Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY November 22, 1999.

September 21, 1999

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-36-023 Grays Harbor salmon—Fall fishery.** August 16 through December 31 of each year, it is

EXPEDITED ADOPTION

unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

#### Fishing period

Gill net gear may be used to fish for salmon from ~~((6:00 p.m. September 27)) 7:30 a.m. to 6:30 p.m. on October 12, October 13 and October 14, and from 8:00 a.m. to 6:00 p.m. October ((2, 1998)) 27, 1999, in SMCRA ((2C)) 2B.~~

#### Gear

Gill net gear shall be used as provided for in WAC 220-36-015, except that it shall not contain mesh larger than 6 1/2 inches.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

#### Fishing period

(1) Gill net gear may be used to fish for salmon from ~~((: (a) 6:00 a.m. to 6:00 p.m. August 19 and 6:00 p.m. August 26 to 6:00 p.m. August 27, 1998, in SMCRA 2M, that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, that portion of SMCRA 2H west of Willapa Channel Marker 35 and that portion of SMCRA 2J north of an east-west line through the north entrance marker to the Naheotta boat basin (red flasher no. 2);~~

~~((b) 6:00 p.m. September 21 to 6:00 p.m. September 25, 6:00 p.m. September 27 to 6:00 p.m. October 1 and 6:00 p.m.)) 7:30 a.m. to 6:30 p.m. October 4 ((to 6:00 p.m. October 8, 1998, in SMCRA 2H;~~

~~((c) 6:00 p.m. September 21 to 6:00 p.m. September 22 6:00 p.m. September 24 to 6:00 p.m. September 25 6:00 p.m. September 28 to 6:00 p.m. September 29, and 6:00 p.m. October 5 to 6:00 p.m. October 6, 1998, in that part of SMCRA 2J north of an east-west line through the north entrance marker to the Naheotta basin (red flasher no. 2);~~

~~((d) 6:00 p.m. September 21 to 6:00 p.m. October 1, and 6:00 p.m. October 4 to 6:00 p.m. October 8, 1998)), 6:00 p.m. October 5 to 6:00 p.m. October 8, 6:00 p.m. October 11 to 6:00 p.m. October 15, 6:00 p.m. October 18 to 6:00 p.m. October 22 and 6:00 p.m. October 25 to 6:00 p.m. October 29, 1999, in ((SMCRA 2M and)) SMCRA 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12 and west of a line drawn true north-south through Willapa Channel Marker 24.~~

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flash-

ing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

#### Gear

(3) Gill net gear shall be used as provided in WAC 220-40-015 except that ~~((before 6:00 p.m. September 22, there is no maximum mesh size limit, and))~~ the maximum mesh size is 6 1/2 inches ~~((September 22)) October 4 through October ((8, 1998)) 29, 1999.~~

### WSR 99-19-139

#### EXPEDITED ADOPTION

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed September 21, 1999, 4:01 p.m.]

Title of Rule: Administrative procedures.

Purpose: Adopt procedural rules for license revocation and privilege suspension.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Establishes procedural rules for revocation of licenses and suspension of licensing privileges.

Reasons Supporting Proposal: Provides clarity and surety in procedure for license revocation and suspension.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Procedural rules for notice, contents, appeals, grounds for reversal or modification and reinstatement will afford due process guarantees, clarity and surety in how the department revokes licenses, suspends privileges, and reinstates licensing privileges.

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 Evan Jacoby, Rules Coordinator, Washington State Fish and Wildlife, 600 Capitol

Way North, Olympia, WA 98501-1091, AND RECEIVED  
BY November 22, 1999.

September 21, 1999  
Evan Jacoby  
Rules Coordinator

## Chapter 220-125 WAC

### LICENSE REVOCATION AND PRIVILEGE SUSPENSION

#### NEW SECTION

**WAC 220-125-010 Scope of rules—Definitions.** The provisions of this chapter apply to the department's authority under chapters 77.15 and 77.16 RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 or 77.16 RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 or 77.16 RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

#### NEW SECTION

**WAC 220-125-020 Issuing orders of revocation or suspension.** Upon a determination that there are grounds for an order of revocation or suspension provided by statute, the director, or the director's authorized designee, is authorized to issue a revocation or suspension order.

(1) Time limit for orders. An order shall be issued no later than two years from the last conviction or other event that provides the grounds for the order.

(2) Effective date of orders. An order shall not be effective until the 21st calendar day following the mailing date of the order and shall remain in effect through the entire period of suspension, or the remaining period of the revoked license, unless the order is withdrawn, or unless recipient files a timely request for an adjudicative proceeding under WAC 220-125-050 to contest the order. When there is a timely request for an adjudicative proceeding, the effective date, if any, shall be set by the final order that results from the adjudicative proceeding.

(3) Exception for orders that take effect immediately. If the director makes a finding that public health, safety, or welfare requires emergency action, the order may provide that revocation or suspension take effect immediately, or at any time prior to an adjudicative proceeding. A person subject to such an order may seek an adjudicative proceeding and that proceeding shall include an opportunity to seek expedited

review of the determination that the order take effect immediately.

(4) Finality of orders. If there is no timely request for an adjudicative proceeding, then the order shall be final. An order contested in an adjudicative proceeding is final when that proceeding ends in a final order pursuant to the Administrative Procedure Act, or is otherwise dismissed. There shall be no collateral attack nor relitigation of any final order.

#### NEW SECTION

**WAC 220-125-040 Content of order.** An order of revocation or suspension shall include the information required by this section.

(1) A statement of material facts, such as the fact of conviction or other material facts set by statute or rule, and a statement of the legal authority that authorizes the order.

(2) A statement identifying what license, tag, or permit, or licensing privileges are revoked and/or suspended.

(3) A statement describing the beginning and end of the period of revocation and/or suspension.

(4) A statement describing rights to request an adjudicative proceeding to contest the order.

#### NEW SECTION

**WAC 220-125-050 Adjudicative proceedings to contest an order of revocation or suspension.** A person who is subject to an order of revocation or suspension shall have the rights provided by this section to request an adjudicative proceeding to contest the order. No person other than the recipient of the order or the recipient's legal representative shall have standing to request an adjudicative proceeding. The adjudicative proceeding shall be in compliance with provisions of the Administrative Procedure Act, except as modified by applicable rules of the department.

(1) Service by department. Service of the order by the department is valid if done in any of the following manners:

(a) Personal service on the recipient in the manner allowed by the civil rules for service of a complaint and summons;

(b) Service by mail to the last mailing address of a licensee; or

(c) Service by mail to the mailing address of a person convicted of a violation of chapter 77.15 RCW as shown by court records of the conviction.

When service is by mail, the date of service shall be shown on the department order as the date of department mailing, and may be proved by a certificate of mailing.

(2) Timing for request. An adjudicative proceeding to contest an order of revocation or suspension must be requested no later than twenty days from the date of service of the order. To be timely, the request must be physically received by the office of the director in Olympia, Washington, during normal business hours on or before the 20th day following the date of service of the order, except that if the 20th day falls on a Saturday, Sunday, or state holiday, then the request for hearing shall be timely if received on the next business day. The person requesting an adjudicative proceeding may prove that it was timely requested by obtaining

a written receipt of service from the office of the director, or by providing an affidavit showing personal service on the office of the director, or by a United States mail return receipt requested service showing receipt by the department on or before the last day set by this rule.

(3) Manner and content of request. Each request for adjudicative proceeding shall substantially comply with this subsection.

(a) The request shall be in writing;

(b) The request shall identify the order that the person seeks to contest. This can be done by reference to the number of the order, by reference to the subject and date of the order, or by reference to a copy of the order attached to the request;

(c) The request shall state the grounds upon which the person contests the order. If the person contests the factual basis for the order, the person shall allege the facts that the person contends are relevant to the appeal; and

(d) The request shall identify the relief that the person seeks from the adjudicative proceeding by specifying whether the person asks to have the order vacated, or provisions of the order corrected.

#### NEW SECTION

**WAC 220-125-060 Grounds for reversing or modifying an order of suspension or revocation.** An adjudicative proceeding to review a department order of revocation or suspension shall reverse or modify an order only when the order was not authorized by law, or as otherwise provided in this section. Where an issue of fact is material to determining the validity of an order, then the department shall be required to prove the fact by a preponderance of evidence, except that a person contesting the order shall have the burden to prove any fact that is in the nature of an affirmative defense.

(1) Adjudicative proceedings to contest an order shall be limited to the following issues:

(a) Whether the person was in fact convicted of the relevant offenses or committed any conduct or actions that are material to the order;

(b) Whether the law authorizes the order of revocation or suspension of the particular license(s) or privilege(s);

(c) Whether the period of revocation or suspension is consistent with the period required or allowed by law; and

(d) Any other issue that the presiding officer determines is necessary to review of the order or review of the discretion exercised by the director.

(2) The presiding officer may, after appropriate conference with the person seeking review and a representative of the department, enter a prehearing order to identify the issues that will be reviewed at the adjudicative proceeding, and to set the time, place, and manner of the proceeding. A prehearing order shall control all future proceedings and issues shall not be raised except as allowed by that order, except when the presiding officer determines that there is good cause. If no prehearing order is entered, then the adjudicative proceeding may occur and review the grounds stated in the request at a time, place, and manner set by the presiding officer. When there is no substantial prejudice to the appellant's ability to contest a department order, an adjudicative proceeding under

this subsection may be conducted based on written submissions.

(3) Discovery and subpoenas. Discovery is not allowed except as provided in this rule. A party wishing to engage in discovery, or to compel the attendance of witnesses at the hearing or in discovery, must file a motion with the presiding officer to obtain permission. Such motion shall be served on all parties to the proceeding, and all parties shall have at least five days to respond to the motion before the presiding officer rules, unless the presiding officer shortens time for such a motion based upon a showing of good cause. In addition to the criteria set by RCW 34.05.446(3) for such motions, the moving party shall demonstrate that he or she has attempted in writing to seek a stipulation to the fact or facts that the person seeks to prove using discovery. The presiding officer has discretion to condition or deny discovery.

#### NEW SECTION

**WAC 220-125-070 Orders upon adjudication.** (1) The presiding officer shall enter findings, conclusions, and an order that affirms, modifies, or vacates the original order revoking or suspending. If the presiding officer enters an order that includes any period of revocation or suspension, then the order shall expressly state the beginning and ending period of any period of revocation or suspension, and shall identify the licenses or privileges that are revoked or suspended.

(2) If the revocation or suspension was imposed with a finding of immediate effect pursuant to WAC 220-125-020, then the period shall include such time that the person has been suspended or revoked under WAC 220-125-020. However, if the revocation or suspension did not take effect due to the initiation of the adjudicative proceeding, then the period of revocation or suspension shall begin on the twenty-first day after service of the final order and continue through the period set by statute or applicable rule.

#### NEW SECTION

**WAC 220-125-080 Reinstatement.** There shall be no reinstatement petitions authorized for any order of revocation or suspension except as provided by this section.

(1) A person under an indefinite order of suspension or an order that prohibits issuance of licenses for an indefinite period, based on statutes in existence prior to June 11, 1998, may petition the director for reinstatement of privileges by showing that:

(a) The person has complied with an analogous period of suspension that would be imposed under chapter 77.15 RCW; and

(b) The person has not been convicted of violating any fish or wildlife laws of the state of Washington, or any laws in Title 75 or 77 RCW, since the person was suspended or subject to an order prohibiting issuance of licenses to the person.

(2) Notwithstanding subsection (1) of this section, any such indefinite order issued by the former departments of fisheries or game or wildlife, or fish and wildlife, shall expire after ten full years from the initial date of such order.

**WSR 99-19-005**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed September 3, 1999, 3:46 p.m.]

Date of Adoption: September 3, 1999.

Purpose: These amendments change income standards to reflect the new federal poverty level (FPL). These changes will increase the number of people eligible for the medical programs based on the FPL, pregnant women, children and those eligible for Medicare cost sharing programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075 and 388-478-0085.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530 and the poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under authority of Section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

Adopted under notice filed as WSR 99-15-044 on July 15, 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 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-478-0075 Medical programs—Monthly income standards** ~~((for)) based on the federal poverty level ((income based programs)) (FPL).~~ (1) The department bases the income ((eligibility)) standard upon the Federal Poverty Level (FPL) for the following medical programs ((is based upon the Federal Poverty Level (FPL) as established by the U.S. Department of Labor and updated annually)):

(a) Children's health program is one hundred percent of FPL~~((;))~~;

(b) Pregnant women's program is one hundred eighty-five percent of FPL~~((, and))~~;

(c) Children's categorically needy program is two hundred percent of FPL; and

(d) The children's health insurance program (CHIP), effective January 1, 2000, is over two hundred percent of FPL but under two hundred fifty percent of FPL.

~~((The FPL is effective as of))~~ Beginning April 1, ~~((1998,))~~ 1999, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	250% FPL
1	\$ <del>((671))</del> <u>687</u>	\$ <del>((1242))</del> <u>1271</u>	\$ <del>((1342))</del> <u>1374</u>	\$ <u>1717</u>
2	\$ <del>((905))</del> <u>922</u>	\$ <del>((1673))</del> <u>1706</u>	\$ <del>((1809))</del> <u>1844</u>	\$ <u>2305</u>
3	\$ <del>((1138))</del> <u>1157</u>	\$ <del>((2105))</del> <u>2140</u>	\$ <del>((2275))</del> <u>2314</u>	\$ <u>2892</u>
4	\$ <del>((1371))</del> <u>1392</u>	\$ <del>((2537))</del> <u>2575</u>	\$ <del>((2742))</del> <u>2784</u>	\$ <u>3480</u>
5	\$ <del>((1605))</del> <u>1627</u>	\$ <del>((2968))</del> <u>3010</u>	\$ <del>((3209))</del> <u>3254</u>	\$ <u>4067</u>
6	\$ <del>((1838))</del> <u>1862</u>	\$ <del>((3400))</del> <u>3445</u>	\$ <del>((3675))</del> <u>3724</u>	\$ <u>4655</u>
7	\$ <del>((2071))</del> <u>2097</u>	\$ <del>((3832))</del> <u>3879</u>	\$ <del>((4142))</del> <u>4194</u>	\$ <u>5242</u>
8	\$ <del>((2305))</del> <u>2332</u>	\$ <del>((4263))</del> <u>4314</u>	\$ <del>((4609))</del> <u>4664</u>	\$ <u>5830</u>
9	\$ <del>((2538))</del> <u>2567</u>	\$ <del>((4695))</del> <u>4749</u>	\$ <del>((5075))</del> <u>5134</u>	\$ <u>6417</u>
10	\$ <del>((2771))</del> <u>2802</u>	\$ <del>((5127))</del> <u>5184</u>	\$ <del>((5542))</del> <u>5604</u>	\$ <u>7005</u>

Add to the ten person standard for each person over ten:

\$ <del>((234))</del> <u>235</u>	\$ <del>((432))</del> <u>435</u>	\$ <del>((467))</del> <u>470</u>	\$ <u>588</u>
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(3) There are no resource limits for the programs under this section.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-478-0085 Medicare cost sharing programs—Monthly income and countable resources standards.** (1) The qualified Medicare beneficiary (QMB) program income standard is ~~((based upon))~~ one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ~~((1998, this))~~ 1999, the QMB program's income standards are:

- (a) One person \$ ~~((671))~~ 687
- (b) Two persons \$ ~~((905))~~ 922

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of ~~((the))~~ FPL, but under one hundred twenty percent of

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~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the SLMB program's income standards are:

	<b>Minimum</b>	<b>Maximum</b>
(a) One person	\$ <del>((671.01))</del> <u>687.01</u>	\$ <del>((805))</del> <u>824</u>
(b) Two persons	\$ <del>((905.01))</del> <u>922.01</u>	\$ <del>((1085))</del> <u>1106</u>

(3) The expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of ~~((the))~~ FPL, but under one hundred thirty-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the ESLMB program's income standards are:

	<b>Minimum</b>	<b>Maximum</b>
(a) One person	\$ <del>((805.01))</del> <u>824.01</u>	\$ <del>((906))</del> <u>927</u>
(b) Two persons	\$ <del>((1085.01))</del> <u>1106.01</u>	\$ <del>((1221))</del> <u>1245</u>

(4) The qualified disabled working individual (QDWI) program income standard is based upon two hundred percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998, this))~~ 1999, the QDWI program's income standards are:

(a) One person	\$ <del>((1342))</del> <u>1374</u>
(b) Two persons	\$ <del>((1809))</del> <u>1844</u>

(5) The qualified individual (QI) program income standard is over one hundred thirty-five percent of ~~((the))~~ FPL, but under one hundred seventy-five percent of ~~((the))~~ FPL. Beginning April 1, ~~((1998 this))~~ 1999, the QI program's income standards are:

	<b>Minimum</b>	<b>Maximum</b>
(a) One person	\$ <del>((906.01))</del> <u>927.01</u>	\$ <del>((1174))</del> <u>1202</u>
(b) Two persons	\$ <del>((1221.01))</del> <u>1245.01</u>	\$ <del>((1583))</del> <u>1613</u>

(6) The ~~((countable))~~ resource standard~~((s))~~ for ~~((all of))~~ the Medicare cost sharing programs in this section~~((s are the same. These resource standards are))~~ is:

(a) One person	\$4000
(b) Two persons	\$6000

**WSR 99-19-014**  
**PERMANENT RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed September 7, 1999, 10:34 a.m.]

Date of Adoption: September 2, 1999.

Purpose: SCAPCA Regulation I, Article X establishes fees and charges. Fees contained within the regulation are being revised to be in accordance with state and federal laws and to increase the amount of program costs for the Notice of

Construction review program and other review programs that is recovered through fees.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation I, Article V, Notice of Construction and Article X, Fees and Charges.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 99-15-064 on July 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 2, 1999

Kelle R. Vigeland

Air Quality Engineer I

**AMENDATORY SECTION (Amending WSR 93-19-043, filed September 8, 1993)**

**SCAPCA REGULATION I, SECTION 10.05 GENERAL ADMINISTRATIVE FEES**

A. A fee of ~~((\$.25))~~ \$.15 per page for photocopies shall be charged ~~((for ten or fewer copies)).~~

~~((B. A fee of \$.20 per page for photocopies shall be charged for more than ten copies.))~~

~~((C))~~ B. The actual cost of postage shall be charged for all material requested to be mailed.

~~((D))~~ C. For other administrative services requested and provided by Authority staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

**AMENDATORY SECTION (Amending WSR 97-09-016, filed April 7, 1997)**

**SCAPCA REGULATION I, SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**

A. ~~((All))~~ Each source~~((s))~~ required by Article IV, Section 4.01 to be registered, ~~((all))~~ each air operating permit source~~((s))~~, and ~~((all))~~ each source~~((s))~~ required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval ~~((shall pay))~~ is subject to an annual fee for each year, or portion of each year, during

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which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source shall be determined as follows:

(1) For sources that are not subject to Section 10.06.B.(3), (4), or (5) of this regulation and which emit less than 5 tons per year of criteria and toxic air pollutants:

(a) a flat fee of \$160; and

(b) a \$30 fee for each stack and other emission point, not to exceed \$600; and

(c) an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

(d) an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

(e) an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

(2) For sources that are not subject to Section 10.06.B.(3), (4), or (5) of this regulation and which emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant:

(a) a flat fee of \$215; and

(b) a \$30 fee for each stack and other emission point, not to exceed \$600; and

(c) an emission fee of \$20 per ton of each criteria and toxic air pollutant; and

(d) an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and

(e) an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

(3) For air operating permit sources, a share of the assessment by the Department of Ecology, pursuant to RCW 70.94.162(3), determined ~~((pursuant))~~ according to Section 10.06.D of this regulation, plus:

(a) for bulk gasoline loading terminals, Standard Industrial Classification 5171, a fee of \$11,500;

(b) for secondary aluminum facilities, Standard Industrial Classification 3341, a fee of \$21,100;

(c) for municipal solid waste incineration facilities, Standard Industrial Classification 4953, a fee of \$20,400;

(d) for military bases, Standard Industrial Classification 9711, a fee of \$17,850; or

(e) for sources not listed in (a), (b), (c), or (d) above  
i. which have total annual actual emissions of less than 50 tons, a fee of ~~((1,350))~~ \$3000;

ii. which have total annual actual emissions of greater than or equal to 50 tons but less than 100 tons, a fee of ~~((2,025))~~ \$4000; or

iii. which have total annual actual emissions of 100 tons or greater, a fee of ~~((3,650))~~ \$5000.

(4) For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

(a) a fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

(b) a share of the assessment by the Department of Ecology, pursuant to RCW 70.94.162(3), determined pursuant to Section 10.06.D of this regulation.

(5) For gasoline dispensing facilities which are not subject to Section 10.06.B.(3) of this regulation, a flat fee of \$165.

C. The Board of Directors shall annually review the fee schedule for air operating permit sources and projected costs to implement the requirements of RCW 70.94.161 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to recover program costs. Such review shall include opportunity for public review and comment on the projected costs and any changes to the operating permit fee schedule. Accordingly, the Authority shall account for program costs, including employee costs and overhead. If the Board of Directors determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board of Directors shall amend the fee schedule to more accurately recover program costs.

D. Individual shares of the assessment pursuant to RCW 70.94.162(3) shall be determined by the following formula:

$$I = \frac{FI}{FT} \times AE$$

Where,

I is the individual share of the assessment, and

FI is the individual fee assessed pursuant to Section 10.06.B.(3) or (4) of this regulation, and

AE is the total assessment pursuant to RCW 70.94.162(3), and

FT is the sum of all the individual fees assessed pursuant to Sections 10.06.B.(3) and (4) of this regulation.

#### **AMENDATORY SECTION (Amending WSR 97-09-016, filed April 7, 1997)**

#### **SCAPCA REGULATION I, SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY SOURCE**

A. For ~~((aH))~~ each project~~((s))~~ required by Article V to file a Notice of Construction and Application for Approval (NOC) or a Notice of Intent to Install and Operate a Temporary Source, the applicant shall pay a filing fee of \$150 ~~((shall be paid))~~ at the time of filing the application.

B. IN ADDITION to the filing fee provided in Section 10.07.A, the applicant shall pay a ~~((plan review))~~ fee, ~~((shall be paid))~~ according to the following:

(1) ~~((An))~~ (e) Equipment fee, ~~((based on one of the following))~~ Sources for which an application is made for more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, the equipment fee, for each emission unit and/or air pollution control system being installed or modified, shall be as follows:

(a) Fuel Burning Equipment With or Without Air Pollution Control Equipment:

<u>Design Input Size (MMbtu/hr)</u>	<u>Fee</u>
.4 < 5	\$200
5 < 10	\$250
10 < 20	\$300
20 < 50	\$350
50 < 100	\$400
100 < 250	\$500
250 < 500	\$650
500 < UP	\$850

(b) Refuse Burning Equipment Including Air Pollution Control Equipment:

<u>Capacity (ton/day)</u>	<u>Fee</u>
0 < 12	\$1,000
12 < 250	\$1,500
250 < UP	\$2,500

(c) Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

<u>Actual ft<sup>3</sup>/min</u>	<u>Fee</u>
0 < 5,000	\$150
5,000 < 20,000	\$250
20,000 < 50,000	\$350
50,000 < 100,000	\$450
100,000 < 250,000	\$550
250,000 < 500,000	\$650
500,000 < UP	\$800

(d) Gasoline dispensing facilities:

<u>Equipment Being Installed</u>	<u>Fee</u>
Annual facility gasoline throughput of less than 1.5 million gallons	\$150
Annual facility gasoline throughput of 1.5 million gallons or greater	\$250

(e) For sources not included in the above categories, an hourly fee of \$50.00 per hour of time expended in plan review.

(2) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution to be constructed and anticipated to produce significant emissions, a significant emissions review fee of \$250.

(3) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee ((~~of \$100~~)). For sources with more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, a separate toxic air pollutant review fee applies to each emission unit, or each group of like-kind emission units, being installed or modified. A group of emission units shall be considered as like-kind if one set of emission calculations adequately represents emissions from all the emission units. The toxic air pollutant review fee shall be as follows:

(a) For a new or modified source using WAC 173-460-080 (2)(e), Small Quantity Emission Rates, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, an additional charge of \$100;

(b) For a new or modified source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$150;

(c) For a new or modified source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$400; or

(d) For a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$1000.

(4) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-115 (NSPS), an additional charge as follows:

(a) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, with only natural gas as a fuel, an additional charge of \$50;

(b) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, using fuels other than solely natural gas, an additional charge of \$100;

(c) If subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, an additional charge of \$100;

(d) If a volatile organic liquid storage tank subject to 40 CFR § 60.110b (b) or (c), no additional charge;

(e) If subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, no additional charge; and

(f) If subject to a subpart of 40 CFR Part 60, other than those covered in (a) through (d) above, an additional charge of \$250.

(5) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B (1)(e) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-075 (NESHAP), an additional charge as follows:

(a) If subject to 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities, and/or WAC 173-400-075(6), Emission Standards for Perchloroethylene Dry Cleaners, no additional charge;

(b) If subject to 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, an additional charge of \$100;

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(c) If subject to 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning, an additional charge of \$150; and

(d) If subject to a subpart of 40 CFR Part 63, other than those covered in (a) through (c) above, an additional charge of \$250.

(6) In addition, for integrated review of a Notice of Construction and Application for Approval, as allowed under Section 5.02.G of this regulation, an additional charge of \$250.

~~C. For sources applying for more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, the applicant shall pay, according to Sections 10.07.A and 10.07.B, one filing fee, plus one significant emissions review fee, if applicable, plus one toxic air pollutant review fee, if applicable, plus an equipment fee for each emission unit and/or air pollution control system being installed or modified.~~

~~((D)) C. ((For)) ((s)) Sources ((seeking)) for which application is made for a change in conditions ((of an order of approval)) pursuant to Section ((5.10.B-)) 5.10.C of this regulation, the fee shall be one half the current fee for a Notice of Construction and Application for Approval or a Notice of Intent to Install and Operate a Temporary Source for that type of source, including the filing fee, according to Section 10.07.A, and the applicable fees, according to Section 10.07.B, or \$350, whichever is less.~~

~~((E)) D. Where a compliance investigation is conducted pursuant to Section 5.12 of this regulation, the compliance investigation fee shall be equal to 2 times the applicable fees according to Section 10.07.B.~~

~~Reviser's note: The typographical error in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.~~

#### **AMENDATORY SECTION (Amending WSR 95-15-021, filed July 10, 1995)**

#### **SCAPCA REGULATION I, SECTION 10.08 MISCELLANEOUS FEES**

~~((A-)) A fee of \$50 per hour of time expended in review shall be paid by the applicant for each of the following:~~

~~((1)) A. Emission reduction credit request pursuant to Chapter 173-400-131 WAC.~~

~~((2)) B. Paving waiver request pursuant to Spokane County Zoning Code, Section 14.802.080 or City of Deer Park Code, Chapter 18.74.050.~~

~~((3)) C. Alternate opacity limit request pursuant to RCW 70.94.331 (2)(c).~~

~~((4)) D. Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400-040 WAC and/or RCW 70.94.161.~~

~~((5)) E. Variance request pursuant to SCAPCA Regulation II; Article III or RCW 70.94.181. In addition, the applicant shall pay a filing fee of \$125.~~

~~((6)) F. Voluntary limits on emissions request pursuant to Chapter 173-400-091 WAC.~~

~~((7)) G. ((Stack height exemption)) ((f)) Requests pursuant to the following sections ((Section 6.13.I-7)) of this regulation.~~

~~(1) Section 6.13.E.3.j (use of alternate spray application method);~~

~~(2) Section 6.13.F.4 (large object enclosure exemption);~~

~~(3) Section 6.13.F.6 (stack exemption);~~

~~(4) Section 6.13.F.9 (use of lead or hexavalent chrome containing coatings);~~

~~(5) Section 6.13.F.10 (enclosure and/or particulate control exemption); and~~

~~(6) Section 6.13.F.11 (inside exhaust exemption).~~

#### **AMENDATORY SECTION (Amending WSR 94-18-114, filed September 6, 1994)**

#### **SCAPCA REGULATION I, SECTION 5.10 CHANGES TO AN ORDER OF APPROVAL OR PERMISSION TO OPERATE**

A. The Authority may revoke or suspend the order of approval if the Control Officer determines that the source is not constructed or operated as described in the Notice of Construction and Application for Approval, including the plans, specifications, or other information submitted therewith.

B. The Authority may revoke or suspend the permission to operate a temporary source if the Control Officer determines that the source is not installed or operated as described in the "Notice of Intent to Install and Operate a Temporary Source" including the plans, specifications, or other information submitted therewith.

~~((B)) C. The applicant may request, at any time, a change in conditions of an order of approval or permission to operate a temporary source and the Control Officer may approve such a request provided the Control Officer finds that:~~

~~1. The change in conditions will not cause the air contaminant source to exceed an emissions standard; and~~

~~2. No ambient air quality standard will be exceeded as a result of the change; and~~

~~3. The change will not adversely impact the ability of the Authority to determine compliance with an emissions standard.~~

~~((E)) D. A fee, as established in Section 10.07 of this regulation, shall be assessed to and paid by the applicant for requests pursuant to Subsection ((5.10.B)) 5.10.C.~~

#### **WSR 99-19-022**

#### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **GENERAL ADMINISTRATION**

[Filed September 7, 1999, 2:57 p.m.]

Date of Adoption: August 24, 1999.

Purpose: To clarify and amend rules relating to violation of capitol campus regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-12-065; and amending WAC 236-12-470 and 236-12-500.

Statutory Authority for Adoption: RCW 43.17.060, 43.19.125, 46.08.150.

Adopted under notice filed as WSR 99-15-031 on July 14, 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 1, 1999

Marsha Tadano Long  
Director

AMENDATORY SECTION (Amending Order 81-1, filed 5/7/81)

**WAC 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business.**

~~((Unless otherwise permitted in advance by the director of the department of general administration,))~~ No person shall carry any firearm or other dangerous weapon on the state capitol grounds or in any building on the state capitol grounds: Provided, That this regulation shall not apply to duly authorized federal, state, and local law enforcement officers or to any federal, state, and local government employee authorized to carry firearms in the course of their public employment; nor shall any person carry into any building on the state capitol grounds any voice-amplification equipment, blow horns, sirens, or other similar noise-producing devices which may be used to disrupt the conduct of state business by state employees.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

**WAC 236-12-500 Violations unlawful.** A violation of any of these regulations is unlawful ~~((and constitutes a misdemeanor as provided in RCW 46.08.170)).~~ All violators are subject to removal from the state capitol grounds by Washington state patrol capitol detachment.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 236-12-065            Camping.

## WSR 99-19-026

### PERMANENT RULES

## DEPARTMENT OF LICENSING

[Filed September 8, 1999, 9:03 a.m.]

Date of Adoption: September 6, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Vehicle licenses, miscellaneous provisions for registration of vehicles; repealing WAC 308-96A-162 Permanent fleet registration; and amending WAC 308-96A-161 Regular fleet registration, 308-96A-275 Assignment of fleet registration expiration, 308-96A-400 Excise tax exemption—Indians and 308-96A-410 Study fee; and new section WAC 308-96A-098 Surrender and disposition of license plates.

Statutory Authority for Adoption: RCW 46.01.110, 46.01.100, 46.16.060.

Adopted under notice filed as WSR 99-13-081 on June 14, 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 4, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 4, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 7, 1999

Fred Stephens  
Director

#### NEW SECTION

**WAC 308-96A-098 Surrender and disposition of license plates.** (1) **What license plates are required to be surrendered?** Only license plates authorized under RCW 46.16.301 and 46.16.280, and dealer/manufacture plates are required to be surrendered. Wreckers and scrap processors, hulk haulers shall dispose of license plates according to chapter 308-65 WAC.

(2) **Where do I surrender my Washington vehicle license plates?** You may surrender your Washington vehicle license plates in the following manner:

(a) Take them to your local vehicle licensing office;

(b) Mail them to the department of licensing in Olympia, Washington.

(3) **What do Washington vehicle licensing offices do with surrendered license plates?**

(a) License plates surrendered to Washington vehicle licensing offices will be invalidated to make them unusable;

(b) Washington vehicle licensing offices will recycle or otherwise dispose of the invalidated plates that have been surrendered.

(4) **If I choose to dispose of the Washington vehicle license plates that are no longer valid, how is this done?** Other than license plates indicated in subsection (1) of this section, you may dispose of your invalid Washington vehicle license plates in the following ways:

(a) Remove or invalidate the month and year tabs and bend the plates so they are no longer usable;

(b) Shred the entire license plate; or

(c) After the month and year tab have been removed or invalidated, recycle the license plate in such a way that it cannot be confused with a valid Washington license plate.

(5) **How does the department dispose of my surrendered Washington vehicle license plate?** Once the department has received the Washington vehicle license plate, it shall surrender them to the department of general administration for disposal under RCW 43.19.1919.

AMENDATORY SECTION (Amending WSR 97-10-003, filed 4/24/97, effective 5/25/97)

**WAC 308-96A-161 ((Regular)) Fleet registration.** ~~((Any owner of a fleet of fifteen or more vehicles, excluding trailing units issued a permanent license plate pursuant to RCW 46.16.068, may apply for and be issued a regular fleet identifier code by the department. The owner may have any vehicle with a certificate of ownership in the exact same owner name registered using the regular fleet identifier code. Regular vehicle license plate month and year tabs shall be issued. Monthly gross weight license may be purchased for individual vehicles.~~

~~Any vehicle with an expired registration will be removed from the regular fleet. Failure of the owner to maintain a minimum of fifteen vehicles with current registrations under the owner's fleet identification code shall automatically cause cancellation of their fleet identification code and removal of all of the owner's vehicles from the regular fleet designation.)~~ (1) What is the purpose of the fleet program? The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) What types of fleet programs are available? There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement; and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have one hundred or more vehicles used for commercial purpose; and

(ii) All participating vehicles must be currently registered for highway use; and

(iii) All vehicles participating must be titled and registered in exact name agreement; and

(iv) All vehicles participating will receive a December 31 annual expiration. Monthly gross weight license may not be purchased for vehicles participating in the permanent fleet program.

(3) How do I join the fleet program? Any owner who qualifies to participate in the fleet program may contact the department or your local Washington vehicle licensing office.

(4) Are there any vehicles that may not be part of a fleet? Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

(a) Snowmobiles;

(b) Trailers with plates issued a permanent license plate under RCW 46.16.068;

(c) Vehicles licensed as daily rental under RCW 82.44.023; and

(d) Any vehicle not required to annually renew.

(5) When will the department remove me from the fleet program? The department will remove you from the fleet program at your request or if you fail to maintain the required minimum number of currently registered vehicles for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the owner's vehicles from the chosen fleet program.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

**WAC 308-96A-275 Assignment of fleet registration expiration.** ~~((Registration renewals for fleet vehicles will be for twelve months expiring on December 31 of the following year. If a vehicle is added to a fleet or is prorated, fees will be collected for the number of months necessary to have a December 31 registration expiration date. For any partial month from the current expiration date to the December 31 expiration date, a full month's fees will be charged. Fees may be collected from four to eighteen months to adjust the expiration date. Any vehicle added to a fleet from October 1 through December 31 will be issued an expiration date of December 31 of the following year.))~~ (1) When do fleet vehicle registrations expire? Fleet vehicle registrations expire December 31 annually.

(2) How does the department adjust registration fees to assign a December 31 registration expiration date for a fleet vehicle?

(a) When you add an unlicensed vehicle to your fleet, the number of month's registration fees are abated to correspond with the number of months of registration. For example:

(i) If you add a vehicle to your fleet between October 1 and December 30 of the current year, you will be required to purchase more than twelve months of registration to obtain a

December 31 vehicle registration expiration date for the following December 31:

(ii) If you add a vehicle to your fleet between February 1 and September 30, you will be required to purchase less than twelve months of registration to obtain a December 31 vehicle registration expiration date for the current year;

(iii) If you add a vehicle to your fleet between December 31 and January 31, you will be required to purchase twelve months of registration to obtain a vehicle registration expiration date for the next year.

(b) When you add a currently registered vehicle to your fleet, the number of month's registration fees abated from the date of current registration expiration to December 31, as applied in (a) of this subsection not to exceed eighteen months;

(c) The department will charge a full month's fees for any partial month.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

**WAC 308-96A-400 Excise tax exemption—Indians.**

(1) ((For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Clallam (Jamestown Council), Clallam (Port Gamble Council), Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater, Skagit, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Any vehicle owned or leased by the governing body of an Indian tribe and used exclusively in its or their service may be exempt from the payment of licensing fees, and may be issued special "I" series license plates, provided, that the Indian tribe itself does not license or register any tribal government service vehicle under tribal law.

(4) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reser-

vation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(5) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) **What Indian reservations in Washington are recognized by the United States Department of the Interior?** The following are the only Washington "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis Confederated tribes, Colville Confederated tribes, Hoh tribe, Jamestown S'klallam tribe, Kalispell tribe, Lower Elwha Klallam tribe, Lummi Nation, Makah tribe, Muckleshoot tribe, Nisqually tribe, Nooksack tribe, Port Gamble S'klallam tribe, Puyallup tribe, Quileute tribe, Quinault Nation, Samish Nation, Sauk-Suiattle tribe, Shoalwater Bay tribe, Skokomish tribe, Spokane tribe, Squaxin Island tribe, Stillaguamish tribe, Suquamish tribe, Swinomish tribe, Tulalip tribes, Upper Skagit tribe, Yakama Nation.

(3) **How does an Indian qualify for a motor vehicle excise tax exemption?** To qualify for a motor vehicle excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW; and

(c) Be a registered owner of the vehicle for which the exemption is requested.

**(4) Are vehicles owned or leased by a governing body of an Indian tribe subject to motor vehicle excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to motor vehicle excise tax as provided in RCW 46.16.020 and 46.16.022. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

**(5) What documentation does the department require from a tribal member to qualify for a motor vehicle excise tax exemption?** The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vehicle must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption, as it deems necessary.

**(6) What information must be contained within the affidavit of exemption described in subsection (5) of this section?** At the minimum, the affidavit of exemption must include the following:

**(a) Description of the vehicle including the year and make and either the license plate number or the vehicle identification number;**

**(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;**

**(c) The principal address of the registered owner as will be shown on the vehicle registration certificate;**

**(d) Signature of the registered owner;**

**(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation;**

**(f) The position or title of the tribal authority, their telephone number and their signature.**

**(7) Are there any types of vehicles for which the Indian excise tax exemption does not apply?** No, the Indian excise tax exemption applies to all types of vehicles for which excise tax is due.

**AMENDATORY SECTION** (Amending Order TL/RG-34, filed 5/28/87)

**WAC 308-96A-410 Study fee.** ((For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapter 46.09 or 46.10 RCW. The study fee will be assessed at time of annual registration.)) **(1) There is a study fee authorized by RCW 46.16.061. Are there any vehicles not subject to this study fee?** For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapters 46.09 and 46.10 RCW, RCW 46.16.070 and 46.16.085.

**(2) When is the study fee due?** The study fee will be assessed at time of annual registration regardless of the number of months in the registration year.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-162 Permanent fleet registration.

#### WSR 99-19-028 PERMANENT RULES HEALTH CARE AUTHORITY

[Order 99-04—Filed September 8, 1999, 10:29 a.m.]

Date of Adoption: September 8, 1999.

Purpose: These amendments condense and clarify PEBB eligibility: WAC 182-12-111 condenses rules for different eligible groups (political subdivisions and school districts) into one standard for group participation and eliminates duplication and WAC 182-12-119 clarifies language regarding eligibility requirements for "extended dependents."

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-111 and 182-12-119.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 99-14-081 on 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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 8, 1999

Melodie H. Bankers  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

**WAC 182-12-111 Eligible entities and individuals.** The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher



education institutions, including the higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate only as an entire bargaining unit. All administrative or managerial employees may terminate only as an entire unit.

Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employees of employee organizations representing state civil service employees, at the option of each employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of such employee organization.

(3) Employees of a school district, educational service district, county, municipality, or other political subdivision of the state may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. ~~((Bargaining units with other group coverage mandated by their collective bargaining agreement will be permitted to waive PEBB coverage as an entire unit, with the approval of the HCA.))~~ If the employer group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The legislative authority or the board of directors obligates itself to participate in all PEBB insurance plans. The PEBB medical ~~((and dental plans))~~ must be the only employer sponsored medical ~~((and dental))~~ plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the

time of application for participation. Any substantive changes will be submitted to HCA.

(f) The eligibility requirements for dependents shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision, or employees of employee organizations as defined in WAC 182-12-111(2) terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

~~((f))~~ The HCA administrator approves the entity's application:

~~(4) School districts and educational service districts. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:~~

~~(a) The PEBB plans must be the only medical and dental plans made available to the members of the bargaining unit through their employment by the school district or educational service district.~~

~~(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.~~

~~(c) The terms and conditions for the payment of insurance premiums shall be set forth in the provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the PEBB at the time of application for participation.~~

~~(d) The application to participate in the PEBB plans is subject to the approval of the HCA.~~

~~(e) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-115(10).~~

~~(f) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the school year.~~

~~(5))~~ (4) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

AMENDATORY SECTION (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

**WAC 182-12-119 Eligible dependents.** "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.



(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and ~~((foster children))~~ extended dependents approved by the HCA are included. To qualify for HCA approval, ~~((a foster child must))~~ the subscriber must demonstrate legal custody for the child with a court order, and:

- (a) Be living with the subscriber in a parent-child relationship;
- (b) Be dependent upon the subscriber for financial support;
- (c) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and
- (d) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents. Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

- (a) The parent maintains continuous coverage in a PEBB-sponsored medical plan;
- (b) The parent continues to qualify under the Internal Revenue Code as a dependent of an eligible subscriber;
- (c) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and
- (d) The parent is not covered by any other group medical insurance. Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

- (a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:
  - (i) If a dependent loses eligibility under a PEBB plan due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will

immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system (the Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death).

(ii) If a surviving dependent of a PEBB employee is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees covered under a PEBB plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. The employee's or retiree's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules.

## WSR 99-19-029

### PERMANENT RULES

### HEALTH CARE AUTHORITY

[Order 99-03—Filed September 8, 1999, 10:30 a.m.]

Date of Adoption: September 8, 1999.

Purpose: Procedures for PEBB program is amended to condense WAC 182-08-095 rules for employees of different employers (school districts, political subdivisions, and state agencies) into one standard for waiving PEBB medical coverage.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-095.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 99-14-082 on 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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 8, 1999

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-126, filed 10/21/97, effective 11/21/97)

**WAC 182-08-095 Waiver of coverage.** ~~((1) State employees:))~~ Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents if they are covered by another medical plan. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan. Employees will also remain enrolled in PEBB life and long term disability coverage.

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

~~((2) K-12 employees: Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.~~

~~Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan if the district/unit participates in the dental plan. Employees will also remain enrolled in life and long term disability coverage if the district/unit participates in those plans.~~

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next school district renegotiation period, or upon approval of the participating school district and the HCA. Approval of the HCA will require proof of other medical coverage to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

~~(3) Political subdivision employees: Political subdivision employees may not waive PEBB medical coverage for themselves, but may waive medical coverage for their dependents if the dependents are covered by another medical plan. In order to waive medical coverage for dependents, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived.~~

~~Dependents whose medical coverage is waived will remain enrolled in their PEBB dental plan.~~

If PEBB medical coverage is waived, an otherwise eligible dependent may not enroll in a PEBB medical plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.)

## WSR 99-19-032

### PERMANENT RULES

#### INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-7—Filed September 8, 1999, 4:48 p.m.]

Date of Adoption: September 8, 1999.

Purpose: Improve uniformity in the terminology used in the advertising of mental health benefits and increase the understanding of consumers who read, hear, or view the advertisement.

Citation of Existing Rules Affected by this Order: Amending WAC 284-43-130.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010, 48.44.050, 48.46.200.

Other Authority: RCW 48.30.040, 48.44.110, 48.46.400.

Adopted under notice filed as WSR 99-16-106 on August 4, 1999.

Changes Other than Editing from Proposed to Adopted Version: Several editing changes were made. Additionally,

in WAC 284-43-810(2) changes were made to direct the information to the prospective contract holder in a form appropriate for distribution to prospective enrollees instead of directly to the prospective enrollee. Also, WAC 284-43-810 (2)(e) was changed so that the information will be based upon enrollees who have received mental health services rather than those who sought mental health services. These changes will make the rule easier and less costly to implement.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 8, 1999

Robert A. Harkins

Chief Deputy Commissioner

**AMENDATORY SECTION** (Amending Order R 97-3, filed 1/22/98, effective 2/22/98)

**WAC 284-43-130 Definitions.** Except as defined in other subchapters and unless the context requires otherwise, the following definitions shall apply throughout this chapter.

(1) (~~"Covered benefits" means those health care services to which a covered person is entitled under the terms of a health plan.~~) **"Covered health condition" means any disease, illness, injury or condition of health risk covered according to the terms of any health plan.**

(2) "Covered person" means an individual covered by a health plan including an enrollee, subscriber, policyholder, or beneficiary of a group plan.

(3) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(4) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(5) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities

by enrollees and may include copayments, coinsurance, or deductibles.

(6) "Facility" means an institution providing health care services, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory, and imaging centers, and rehabilitation and other therapeutic settings.

(7) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding:

(a) Denial of health care services or payment for health care services; or

(b) Issues other than health care services or payment for health care services including dissatisfaction with health care services, delays in obtaining health care services, conflicts with carrier staff or providers, and dissatisfaction with carrier practices or actions unrelated to health care services.

(8) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(9) "Health care service" or "health service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(10) "Health carrier" or "carrier" means a disability insurance company regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, and a health maintenance organization as defined in RCW 48.46.020.

(11) "Health plan" or "plan" means any individual or group policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after

a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(12) "Managed care plan" means a health plan that coordinates the provision of covered health care services to a covered person through the use of a primary care provider and a network.

(13) "Medically necessary" or "medical necessity" in regard to mental health services is a carrier determination as to whether a health service is a covered benefit if the service is consistent with generally recognized standards within a relevant health profession.

(14) "Mental health provider" means a health care provider or a health care facility authorized by state law to provide mental health services.

(15) "Mental health services" means in-patient or out-patient treatment, partial hospitalization or out-patient treatment to manage or ameliorate the effects of a mental disorder listed in the *Diagnostic and Statistical Manual (DSM) IV* published by the American Psychiatric Association, excluding diagnoses and treatments for substance abuse, 291.0 through 292.9 and 303.0 through 305.9.

(16) "Network" means the group of participating providers and facilities providing health care services to a particular health plan. A health plan network for carriers offering more than one health plan may be smaller in number than the total number of participating providers and facilities for all plans offered by the carrier.

((14)) (17) "Out-patient therapeutic visit" or "out-patient visit" means a clinical treatment session with a mental health provider of a duration consistent with relevant professional standards used by the carrier to determine medical necessity for the particular service being rendered, as defined in *Physicians Current Procedural Terminology*, published by the American Medical Association.

(18) "Participating provider" and "participating facility" means a facility or provider who, under a contract with the health carrier or with the carrier's contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, from the health carrier rather than from the covered person.

((15)) (19) "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

((16)) (20) "Primary care provider" means a participating provider who supervises, coordinates, or provides initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

((17)) (21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

((18)) (22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration

for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

((19)) (23) "Small group" means a health plan issued to a small employer as defined under RCW 48.43.005(24) comprising from one to fifty eligible employees.

## NEW SECTION

**WAC 284-43-810 Coverage for mental health services.** (1) The commissioner may disapprove any contract issued or renewed after April 1, 2000, that includes coverage for mental health services, and those services are advertised, if it does not include the following statement:

### MENTAL HEALTH SERVICES AND YOUR RIGHTS

*(Health Carrier Name) and state law have established standards to assure the competence and professional conduct of mental health service providers, to guarantee your right to informed consent to treatment, to assure the privacy of your medical information, to enable you to know which services are covered under this plan and to know the limitations on your coverage. If you would like a more detailed description than is provided here of covered benefits for mental health services under this plan, or if you have a question or concern about any aspect of your mental health benefits, please contact us (the health carrier) at xxx-xxx-xxxx (current phone number).*

*If you would like to know more about your rights under the law, or if you think anything you received from this plan may not conform to the terms of your contract or your rights under the law, you may contact the Office of Insurance Commissioner at 800-562-6900. If you have a concern about the qualifications or professional conduct of your mental health service provider, please call the State Health Department at xxx-xxx-xxxx (current phone number suggested by State Health Department).*

(2) The commissioner may disapprove any contract issued or renewed after April 1, 2000, that includes coverage for mental health services, and those services are advertised, if it does not pose and respond in writing to the following questions in language that complies with WAC 284-50-010 through 284-50-230 in or accompanying an invitation to contract which is given to each prospective contract holder with an offer to provide for distribution to prospective enrollees prior to enrollment.

(a) "What are the steps that must be taken to have outpatient mental health services paid for by my plan?"

Yes No

*Direct self referral to a participating provider, with no prior authorization or approval.*

*Primary care provider referral required; Primary care provider may determine the number of visits.*

*Preauthorization, predetermination of medical necessity, preverification of benefits and eligibility or referral required.*

**(b) "What information about my mental condition will anyone other than my mental health provider see?"**

*No information, other than your diagnostic category and number of treatments you received.*

*Diagnostic details.*

*Treatment codes.*

*Treatment plans, including expected outcomes.*

*Progress notes.*

*Other.*

**(c) "Do I have to pay a higher co-pay, deductible or other charges than I pay for my other covered medical services to get mental health services under this plan?"**

*Same      Less      More*

*Deductibles.*

*Co-pays.*

*Co-insurance.*

*Other cost sharing.*

**(d) "What is the maximum number of medically necessary in-patient days and out-patient visits I can get each year under this plan?"**

*Inpatient                  Outpatient  
Days                          Visits*

*Less than ten.*

*Eleven to twenty.*

*Twenty-one to thirty.*

*More than thirty.*

*Other.*

**(e) "What is the average number of outpatient visits this plan pays for people who have been provided mental health services?" (Note to carriers: This response must state the average outpatient visits per enrollee requesting these services during the most recent year for which data is available. This time period may begin no more than thirty-six months prior to the issue date of the policy being sold.)**

*Less than ten.*

*Eleven to twenty.*

*Twenty-one to thirty.*

*More than thirty.*

*Other.*

**(f) "In which of the following circumstances where I might need mental health services would I find them excluded or subject to restrictions or limitations other than medical necessity?"**

*Diagnostic testing to determine if a mental disorder exists.*

*A mental disorder has a congenital or physical basis, such as Tourette's Syndrome, or may be partially covered under the medical services portion of the health plan.*

*A court orders treatment.*

*Treatment surrounding self inflicted harm, such as a suicide attempt.*

*There are diagnosed learning disabilities.*

*There is a diagnosed eating disorder.*

*There is a diagnosed mental disorder related to sexual functioning, or a sex change.*

*Couples or marriage therapy.*

*Custodial care.*

**(g) "What is this plan's most common goal in financing treatment in adults? In children?"**

*Stabilization and symptom management.*

*Return to previous functioning.*

*Ongoing maintenance for long-term illness.*

**WSR 99-19-048**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Aging and Adult Services)**

[Filed September 13, 1999, 2:39 p.m.]

Date of Adoption: September 13, 1999.

Purpose: Aging and adult services administration is adopting rules on a new long-term care option, PACE, to formalize options, criteria, and rights under the PACE program.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, 74.09.520, and 74.39A.030.

Adopted under notice filed as WSR 99-14-066 on July 2, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 10, 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 10, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, 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 10, Amended 0, Repealed 0.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

September 13, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

### Chapter 388-71 WAC

#### SOCIAL SERVICES FOR ADULTS

#### PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

##### NEW SECTION

**WAC 388-71-0800 What is PACE?** (1) PACE, which stands for the program of all-inclusive care for the elderly, is a managed care program that provides:

(a) Comprehensive, coordinated acute medical and long-term care services for a frail elderly population; and

(b) A home and community-based alternative to nursing facility care.

(2) PACE is a Medicare/Medicaid program, authorized under section 1934 of the Social Security Act and administered by the department. The laws allow the department to expand home and community-based care options for the frail elderly population.

##### NEW SECTION

#### **WAC 388-71-0805 What services does PACE cover?**

Under their contract with the department, the PACE provider develops a care plan that integrates necessary long-term care and acute medical services.

(1) The care plan includes, but is not limited to any of the following long-term care services:

(a) Case management, to access and monitor services;

(b) Home and community based services:

(i) Personal (in-home) care;

(ii) Residential care (e.g., boarding home, adult family home).

(c) And, if necessary, nursing facility care.

(2) The care plan may also include, but is not limited to the following medical services:

(a) Routine medical care;

(b) Vision care;

(c) Hospice care;

(d) Speech, occupational, and physical therapy;

(e) Oxygen therapy;

(f) Audiology (including hearing aids);

(g) Transportation;

(h) Podiatry;

(i) Durable medical equipment (e.g., wheelchair);

(j) Dental care;

(k) Pharmaceutical products;

(l) Shots.

##### NEW SECTION

**WAC 388-71-0810 Who provides these services?** (1) A PACE multidisciplinary team, with the help of the client, family, and caseworker, develops and delivers necessary long-term care and acute medical services. Members of the team may include:

(a) Primary care physicians and nurses;

(b) Therapists;

(c) Home care workers;

(d) Social workers;

(e) Transportation coordinators.

(2) As needed, the PACE provider may subcontract with other qualified professionals to provide services.

##### NEW SECTION

**WAC 388-71-0815 Where are these services provided?** Most of the covered services are offered at the PACE site, which is a licensed adult day health center. The PACE team may also provide care in homes, hospitals, and nursing homes:

##### NEW SECTION

**WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services?** To qualify for Medicaid-funded PACE services, you must apply for an assessment by contacting your local Home and Community Services office. A case worker will assess and determine whether you:

(1) Are age:

(a) Fifty-five or older, and blind or disabled as defined in WAC 388-15-202, Long-term care services—Definitions; or

(b) Sixty-five or older.

(2) Need nursing facility level of care as defined in WAC 388-97-235, titled Medical eligibility for nursing facility care. Note: If you are already enrolled, but no longer need nursing facility care, you might still be eligible for PACE services if the case manager reasonably expects you to need nursing facility care within the next six months;

(3) Live within the designated service area of the PACE provider, currently the central Seattle area; and

(4) Meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-513-1315, Eligibility determination—Institutional.

##### NEW SECTION

**WAC 388-71-0825 What are my appeal rights?** If the department determines you are ineligible, but you disagree, you may appeal the department's decision. For more information on your appeal rights, refer to chapter 388-08 WAC, Practice and procedures—Fair hearing.

##### NEW SECTION

**WAC 388-71-0830 Who pays the PACE provider?** Depending on your income and resources, you may be required to pay for part of the PACE services. The depart-

ment's financial worker will determine what amount, if any, you must contribute if you decide to enroll. The department pays the PACE provider the remaining amount.

#### NEW SECTION

**WAC 388-71-0835 How do I enroll into the PACE program?** Once you qualify for PACE, enrollment into the program is voluntary. However, before you can join, you must:

- (1) Not be enrolled in any other medical coverage plan that purchases services on a prepaid basis (e.g., HMO); and
- (2) Agree to receive services exclusively from the PACE provider.

#### NEW SECTION

**WAC 388-71-0840 How do I disenroll from the PACE program?** (1) You may voluntarily choose to disenroll from the PACE program. To do so, you must give the provider written notice. If you give notice:

- (a) Before the fifteenth of the month, disenrollment is effective at the end of the month.
- (b) After the fifteenth, disenrollment is not effective until the end of the following month.
  - (2) The PACE provider may also end services, if you:
    - (a) Move out of the designated service area;
    - (b) Exhibit violent or abusive behavior or fail to cooperate with the provider to the point where the provider cannot effectively or safely provide services;
    - (c) Refuse services and/or do not participate in your agreed-upon care plan;
    - (d) Fail to pay or make arrangements to pay your part of the costs after the thirty-day grace period;
    - (e) Become financially ineligible for Medicaid services, unless you choose to pay privately; or
    - (f) Are enrolled with a provider that loses its license and/or contract.
- (3) For any of the above reasons, the provider must give you written notice, explaining that they are terminating benefits. If the provider gives you notice:
  - (a) Before the fifteenth of the month, then you may be disenrolled at the end of the month.
  - (b) After the fifteenth, then you may be disenrolled at the end of the following month.
- (4) Before the provider can disenroll you from the PACE program, the department must review and approve all proposed involuntary disenrollments.

#### NEW SECTION

**WAC 388-71-0845 What are my rights as a PACE participant?** You have a right to:

- (1) Receive any information regarding your care under PACE;
- (2) Participate in creating or changing your treatment plan;
- (3) Receive confidential treatment;
- (4) Disenroll at any time; and

(5) Voice grievances when a disagreement exists. For information on resolving a disagreement, refer to your contract with the PACE provider.

#### **WSR 99-19-058**

#### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

[Filed September 15, 1999, 10:43 a.m.]

Date of Adoption: August 13, 1999.

Purpose: The rule is needed to provide guidance to consumers of speech-language pathology services, members of the public and speech-language pathologists regarding the expected and recognized minimum standards of practice.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-105 Speech-language pathology—Minimum standards of practice.

Statutory Authority for Adoption: RCW 18.35.161 (3) and (10).

Adopted under notice filed as WSR 99-08-096 on April 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1999

T. Diane Young

Program Manager

**AMENDATORY SECTION** (Amending WSR 98-14-055, filed 6/26/98, effective 7/27/98)

**WAC 246-828-105 Speech-language pathology—Minimum standards of practice.** Certified speech-language pathologists are independent practitioners who provide a comprehensive array of services related to the identification, assessment, habilitation/rehabilitation, of communication disorders and ((~~oro-pharyngeal and dysphasia~~)) **dysphagia**. Speech-language pathologists serve in a number of roles including but not limited to clinician, therapist, teacher, consultant, researcher, and administrator. Speech-language pathologists provide services in hospitals, clinics, schools, nursing facilities, care centers, private practice, and other settings in which speech-language pathology services are rele-

vant. Speech-language pathologists provide services to individuals of all ages.

Services must be provided and products dispensed only when benefit can reasonably be expected. All services provided and products dispensed must be evaluated for effectiveness. A certified speech-language pathologist must engage in and supervise only those aspects of the profession that are within the scope of their education, training, and experience. Speech-language pathologists must provide services appropriate to each individual in his or her care, which may include one or more of the following standard procedures:

- (1) Case history, to include the following:
  - (a) Documentation of referral.
  - (b) Review of the communication, cognitive and/or swallowing problem.
  - (c) Review of pertinent medical, pharmacological, social and educational status.
- (2) Examination of the oral mechanism for the purposes of determining adequacy for speech communication and swallowing.
- (3) Screening to include: Speech and language.
  - (a) Hearing screening, limited to pure-tone air conduction and screening tympanometry.
  - (b) Swallowing screening. Children under the age of three years who are considered at risk are assessed, not screened;
- (4) Assessment may include the following:
  - (a) Language may include parameters of phonology, morphology, syntax, semantics, and pragmatics; and include receptive and expressive communication in oral, written, graphic and manual modalities;
  - (b) Speech may include articulation, fluency, and voice (including respiration, phonation and resonance). Treatment shall address appropriate areas;
  - (c) Swallowing;
  - (d) Cognitive aspects of communication may include communication disability and other functional disabilities associated with cognitive impairment;
  - (e) Central auditory processing disorders in collaboration with other qualified professionals;
  - (f) Social aspects of communication may include challenging behaviors, ineffective social skills, lack of communication opportunities;
  - (g) Augmentative and alternative communication include the development of techniques and strategies that include selecting, and dispensing of aids and devices (excluding hearing instruments) and providing training to individuals, their families, and other communication partners in their use.
- (5) Habilitation/rehabilitation of communication and swallowing to include the following:
  - (a) Treatment of speech disorders including articulation, fluency and voice.
  - (b) Treatment of language disorders including phonology, morphology, syntax, semantics, and pragmatics; and include receptive and expressive communication in oral, written, graphic and manual modalities.
  - (c) Treatment of swallowing disorders.

(d) Treatment of the cognitive aspects of communication.

(e) Treatment of central auditory processing disorders in which there is evidence of speech, language, and/or other cognitive communication disorders.

(f) Treatment of individuals with hearing loss, including aural rehabilitation and related counseling.

(g) Treatment of social aspects of communication, including challenging behaviors, ineffective social skills, and lack of communication opportunities.

(6) All services must be provided with referral to other qualified resources when appropriate.

**WSR 99-19-059**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed September 15, 1999, 10:46 a.m.]

Date of Adoption: August 13, 1999.

Purpose: To provide the Department of Health and the Board of Hearing and Speech with direction in the adjudication and processing of applications for hearing instrument fitting/dispensing licensing in which the applicant is requesting that the apprenticeship training requirement be waived.

Statutory Authority for Adoption: RCW 18.35.040 and [18.35.]161.3[(3)].

Adopted under notice filed as WSR 99-11-036 on May 13, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 27, 1999

Diane Young

Program Manager

**NEW SECTION**

**WAC 246-828-061 Requirements for apprenticeship training waiver.** Requests to the board to waive all or part of the required apprenticeship training "in recognition of formal education in fitting and dispensing of hearing instruments or in recognition of previous licensure in Washington or in another state, territory or the District of Columbia" as defined in RCW 18.35.040 (1)(b) will be reviewed as follows:



(1) The board may waive part or all of the apprenticeship training in recognition of formal education in hearing instrument technology that is a certificate program at least six months in duration and is governed under the Washington state board of community and technical colleges or the equivalent agency in another state, territory, or the District of Columbia. The program must include instruction in all subject areas listed in WAC 246-828-070(2).

(2) The board may waive part or all of the apprenticeship training in recognition of:

(a) Current licensure or certification in Washington or in another state, territory, or the District of Columbia for a minimum of two years in good standing; or

(b) Previous licensure or certification, in good standing that has not been inactive for more than five years.

(3) Applicants requesting that the apprenticeship training requirement be waived that do not meet the criteria of subsection (1) or (2) of this section will be denied.

**WSR 99-19-091**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed September 17, 1999, 2:11 p.m.]

Date of Adoption: September 17, 1999.

Purpose: The policy contained in this rule was incorporated into the adopted rules filed under WSR 98-16-044. WAC 388-503-0310 was incorporated into the rules contained in chapters 388-503 and 388-505 WAC. In order to avoid duplication, the department is repealing WAC 388-503-0310.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-503-0310.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under preproposal statement of inquiry filed as WSR 99-15-042 on July 15, 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.

September 17, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-503-0310      Categorically needy eligible persons.

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

**WSR 99-19-097**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed September 20, 1999, 9:17 a.m.]

Date of Adoption: September 18, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-78-020 Bond requirements and collection, 308-78-030 Required reports, 308-78-040 Tax exempt transactions and invoice requirements, 308-78-045 Tax exempt use, 308-78-050 Supporting documents for tax exempt transactions, 308-78-060 Tax exempt losses, 308-78-070 Records, 308-78-080 Refunds, and 308-78-090 Mitigation of penalties and/or interest.

Statutory Authority for Adoption: RCW 88.42.040.

Adopted under notice filed as WSR 99-15-096 on July 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 9, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 20, 1999

Fred Stephens  
 Director

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

**WAC 308-78-020 ((License and)) Bond requirements and collection.** (1) ~~((Every distributor shall be licensed and bonded as is provided in chapter 82.36 RCW.~~

~~(2) Any person, other than a distributor, whose major use of aircraft fuel is for a tax exempt use specified in RCW~~

**PERMANENT**

82.42.020 or 82.42.030, may be issued an aircraft fuel user license as authority to purchase the fuel without payment of the tax imposed by RCW 82.42.020 at time of purchase. Verification by the aeronautics division of the Washington department of transportation of the tax exempt usage will be required.) **As an aircraft fuel tax distributor must I be bonded in order to receive a license?** Yes, every aircraft fuel tax distributor must be licensed and bonded as is provided in chapter 82.36 RCW.

**(2) Can the department collect on bonds for unpaid aircraft fuel taxes?** Yes, the department may execute bonds on file under the provisions of chapter 82.36 RCW for unpaid taxes owing under chapter 82.42 RCW.

**AMENDATORY SECTION** (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

**WAC 308-78-030 Required reports.** (1) ((Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports. The format of the Uniform Motor Fuel Tax Multiple Schedules shall be used for the supporting data unless a different format is specifically required by the department.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) Reports required by subsection (1) of this section may be submitted on computer generated forms in lieu of the forms furnished by the department provided that the format is identical to the report forms preprinted by the department.)

**What reports are required by the department for aircraft fuel tax and when are they due?** Every licensed distributor of aircraft fuel shall submit signed tax returns and schedules to the department of licensing, on or before the 25th day of each month, or as required by the department. Forms shall be furnished or approved by the department.

**(2) Is a report due if I have no activity for the month?** Yes, a report shall be filed with the department for each calendar month even when no aircraft fuel was sold or used.

**(3) Can tax return information be made available to other government agencies?** Yes, the department routinely furnishes copies of schedules to government agencies or foreign jurisdictions.

**AMENDATORY SECTION** (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

**WAC 308-78-040 Tax exempt transactions and invoice requirements.** ((See WAC 308-78-080 Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

(1) To a buyer at a point outside the state; or  
(2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or

(3) To United States or foreign government agencies; or  
(4) To aircraft fuel users licensed by the department; or  
(5) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or

(6) To another licensed distributor; or  
(7) To a person who purchases and exports the fuel under the provisions of RCW 82.42.030. The fuel is considered sold for export under the provisions of RCW 82.42.030 if the fuel is delivered in the state into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state. The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:

(a) Name and address of seller;  
(b) Name and address of purchaser;  
(c) The date of delivery (month, day, and year);  
(d) The location of the point of shipment, in words;  
(e) The place of delivery, in words, if different from shipping point;  
(f) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);  
(g) State or foreign jurisdiction of destination;  
(h) Name of product sold;  
(i) The quantity, in gallons, of product sold;  
(j) The price per gallon and total amount charged; and  
(k) The statement: "Ex Washington State Fuel Tax."

The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.42.040 and WAC 307-78-070.

These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.)

**(1) When may a licensed distributor sell aircraft fuel without collecting the aircraft fuel tax?** A licensed distributor may sell aircraft fuel without collecting the aircraft fuel tax, when delivery is made by the distributor to one of the following:

(a) A destination outside the state;  
(b) United States or foreign government agencies;  
(c) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign

(a) A destination outside the state;  
(b) United States or foreign government agencies;  
(c) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign

flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters;

(d) Another licensed distributor; or

(e) To a purchaser who delivers the fuel for export purposes (fuel must be unloaded at a location outside the state) under RCW 82.42.030 in the state into:

(i) Purchaser's transportation equipment; and/or

(ii) A common/contract carrier employed by the purchaser at a location outside the state.

(2) What invoices are required and how are they distributed? An original invoice must be furnished to the purchaser; the selling distributor as required by RCW 82.42.040 and WAC 308-78-070 must keep a copy of the invoice.

(3) What information must an invoice include? The selling distributor must issue to the purchaser an invoice, which shall contain at least the following:

(a) Name and address of seller;

(b) Name and address of purchaser;

(c) The date of delivery (month, day, and year);

(d) The location of the point of shipment, in words;

(e) The place of delivery, in words, if different from shipping point;

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

(g) State or foreign jurisdiction of destination;

(h) Name of product sold;

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

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

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

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-045 Tax exempt use. What are the conditions under which I can claim an exemption of aircraft fuel tax? Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Regulations, and local service commuters.

(2) ((Exemption from the aircraft fuel tax)) For testing and experimental purposes ((shall be granted only to persons primarily engaged)) in the manufacture or remanufacture of aircraft and ((only)) for flight operations of ((an)) experimental ((aircraft or an aircraft being tested)) testing following manufacture ((or)), repair prior to delivery to a customer ((Fuel used in the operation of an aircraft which is necessary to the conduct of a test)) or experimental ((flight)) testing of another aircraft ((is also tax exempt)).

(3) ((Aircraft fuel used in connection with)) For aircraft crew training ((shall be exempt from the aircraft fuel tax when: (a) The personnel receiving training are the crews of a) in Washington state for certified air carriers ((; (b) the aircraft used for training purposes may appropriately be used to train crews to operate the type of aircraft purchased by the air carrier; (c) the crew training occurs in Washington state; and

(d) the primary purpose of the flight is for crew training and not for an otherwise taxable purpose)).

(4) ((Exemption from the aircraft fuel tax for application of)) When applying pesticides, herbicides or other agricultural chemicals ((will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto)) and for flight operations as defined in RCW 82.42.020.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-050 Supporting documents for tax exempt transactions. What types of supporting documents must be retained for tax exempt transactions? The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. ((Records must be kept in original form for three years.))

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-060 Tax exempt losses. ((Exemption from the aircraft fuel tax shall be allowed a licensed distributor or user for fuel lost or destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty, or verified leakage of five hundred gallons or more. Proof of loss must be submitted consisting of documentation substantiating the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim. Exemption from the tax will not be allowed on losses claimed from evaporation, shrinkage, or unknown causes.))

(1) If aircraft fuel is destroyed can I still claim an exemption? You may claim an exemption if fuel is destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty.

(2) May I claim an exemption for losses due to leakage? Yes, if verified leakage is five hundred gallons or more.

(3) What supporting documents are needed for this aircraft fuel tax exempt loss? Losses of aircraft fuel must be substantiated by submitting documentation identifying the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim.

(4) May I claim an exemption for losses of aircraft fuel due to evaporation, shrinkage or unknown causes? No, aircraft fuel losses due to evaporation, shrinkage or unknown causes will not be permitted.

AMENDATORY SECTION (Amending Order PFT 90-05, filed 6/14/90, effective 7/15/90)

WAC 308-78-070 Records. (1) ((Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or

gain, and other distribution. The stock summary shall be supported by:

(a) ~~Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;~~

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

(c) ~~A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.~~

(2) ~~Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:~~

(a) ~~The name of the distributor;~~

(b) ~~The date of delivery;~~

(c) ~~The name and address of the purchaser (address not required on credit card deliveries);~~

(d) ~~The location of the storage facility from which the fuel was withdrawn;~~

(e) ~~The type or grade of fuel;~~

(f) ~~The number of gallons sold or delivered;~~

(g) ~~The price per gallon and the total amount charged;~~

(h) ~~The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.~~

(3) ~~Own use. Every distributor and user shall maintain a withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn.~~

(4) ~~Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:~~

(a) ~~Flight or block time of each flight or series of flights;~~

(b) ~~Type of aircraft;~~

(c) ~~Purpose of each flight or series of flights;~~

(d) ~~Dates;~~

(e) ~~Gallons consumed for each flight or series of flights.~~

(5) ~~Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.)~~ **What records must a distributor, certified user, or consumer of aircraft fuel maintain?** The following records must be maintained:

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

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

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel;

(d) An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(i) The name of the distributor;

(ii) The date of delivery;

(iii) The name and address of the purchaser (address not required on credit card deliveries);

(iv) The location of the storage facility from which the fuel was withdrawn;

(v) The type or grade of fuel;

(vi) The number of gallons sold or delivered;

(vii) The price per gallon and the total amount charged;

(viii) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;

(e) A withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn;

(f) Each person claiming an exemption from the aircraft fuel tax shall keep records of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(i) Flight or block time of each flight or series of flights;

(ii) Type of aircraft;

(iii) Purpose of each flight or series of flights;

(iv) Dates;

(v) Gallons consumed for each flight or series of flights.

(2) How long must I retain my records? Records shall be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment, and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.

**AMENDATORY SECTION** (Amending Order PFT 85-001, filed 1/31/85)

**WAC 308-78-080 Refunds.** (1) ((Any person claiming a refund for aircraft fuel tax shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel which has been:

(a) Used for purposes exempted under RCW 82.42.020 or 82.42.030;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor

vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in equipment, other than aircraft, not licensed to be operated over and along any public highway as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Lost or destroyed under the same conditions as provided for tax exempt losses in WAC 308-78-060;

(e) Sold by a dealer who has paid the aircraft fuel tax, to the United States or foreign government agencies. The dealer shall file an exemption certificate, which shall contain an assignment to the dealer of the purchaser's right to a refund, and each invoice covering such sale shall have the statement: "Ex Washington Aircraft Fuel Tax" clearly marked thereon.

(3) Claims for refund may be filed at any time but not later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) The department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.)) **What do I have to do to claim a refund for aircraft fuel?** In order to claim a refund for aircraft fuel tax, you shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) **What is considered a tax exempt refund?** A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel that has been:

(a) Used for purposes exempted under RCW 82.42.020, or 82.42.030 and WAC 308-78-040, 308-78-045 and 308-78-060;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in nonhighway equipment, other than aircraft, as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Sold to United States or foreign government agencies by a dealer who has paid the aircraft fuel tax. The dealer shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the dealer of the purchaser's right to a refund. Each invoice covering such sale shall clearly state the fuel has been sold without the aircraft fuel tax.

(3) **Is there a time limit to claim an aircraft fuel tax refund?** Yes, claims for refund may not be filed later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) **Can the department verify the validity of refund claims?** Yes, the department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.

**AMENDATORY SECTION** (Amending WSR 92-01-015, filed 12/6/91, effective 1/6/92)

**WAC 308-78-090 Mitigation of penalties and/or interest.** ((The department, in its discretion, may mitigate, extinguish or adjust penalties and interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

The department, after review of records furnished and/or tax returns available, may take into consideration a taxpayer's history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

Taxpayers who fail to pay assessed taxes on a timely basis may have late payment penalties and interest mitigated if the individual, partnership or corporation is able to establish that failure to take such payment action within a 30 day period after service of an assessment was based upon an internal business or employee oversight, or other unavoidable reasonable circumstance.)) (1) **Under what circumstances may a penalty and/or interest be waived?** The department, in its discretion, may mitigate, extinguish or adjust penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

(2) **How will the department determine whether penalties and/or interest will be mitigated?** The department, in its discretion, and after review of records furnished and/or tax returns available, may take into consideration a taxpayer's history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

(3) **What happens if I do not pay my tax assessment on time?** You will be assessed additional penalties and/or interest.

(4) **Under what circumstances may assessed late payment penalties and/or interest be mitigated?** The department, in its discretion, may mitigate late payment penalties and/or interest if the taxpayer provides reasonable cause for failure to make payment within a thirty-day period after service of an assessment.

WSR 99-19-099

PERMANENT RULES

STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES

[Filed September 20, 1999, 11:12 a.m.]

Date of Adoption: September 16, 1999.

PERMANENT

**Purpose:** The running start program, responds partly to legislative changes, adopting rules by reference to the Superintendent of Public Instruction's Office, WAC 392-169-025, 392-169-030, 392-169-055, 392-169-057, and 392-169-060 filed by Superintendent of Public Instruction under WSR 99-13-124.

**Citation of Existing Rules Affected by this Order:** New section WAC 131-46-140.

Adopted under notice filed as WSR 99-14-018 on June 25, 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 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 1, Amended 0, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 1, Amended 0, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

**Effective Date of Rule:** Thirty-one days after filing.  
September 20, 1999

Claire C. Krueger  
Executive Assistant and Administrative  
Rules/Contracts Coordinator

**NEW SECTION**

**WAC 131-46-140 Adoption by reference.** Adopting running start rule revisions by reference to amended sections WAC 392-169-025; 392-169-030; 392-169-055; 392-169-057; and 392-169-060, filed by the office of the superintendent of public instruction by WSR 99-13-124, filed 6/16/99.

**WSR 99-19-100  
PERMANENT RULES  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Filed September 20, 1999, 11:13 a.m.]

**Date of Adoption:** September 16, 1999.

**Purpose:** Employees eligible to participate in retirement annuity purchase plan.

**Citation of Existing Rules Affected by this Order:** Amending WAC 131-16-021.

Adopted under notice filed as WSR 99-14-052 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 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.  
September 20, 1999

Claire C. Krueger  
Executive Assistant and Administrative  
Rules/Contracts 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.50.4891.)

(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

PERMANENT

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. 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 99-19-103

#### PERMANENT RULES

#### LOTTERY COMMISSION

[Filed September 20, 1999, 12:57 p.m.]

Date of Adoption: September 17, 1999.

Purpose: To allow winners of annuity prizes to choose a cash option up to sixty days after validation of their claim.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-34-055; and amending WAC 315-06-120.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 99-13-148 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 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 17, 1999

Mary Jane Ferguson  
Rules Coordinator

#### NEW SECTION

**WAC 315-34-057 Lotto prize claim and payment methods.** The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with WAC 315-30-030(6).

(2) Prize payments shall be made as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date. The only exception to this final choice may be a one-time opportunity designated by the lottery for winners to choose to cash out their prize annuities during some period from July 1, 1999, to December 31, 2000.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

AMENDATORY SECTION (Amending WSR 97-20-052, filed 9/24/97, effective 10/25/97)

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: Provided, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two sig-



natures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later

than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of all or part of the remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2).

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated, or the date the winner makes a choice of payment by annual payments or by single cash payment pursuant to WAC 315-34-057. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded ~~((, except that when a drawing occurs during the last week of the calendar year and it is impossible to claim the prize in the calendar year of the drawing solely due to weekend or extraordinary closure of the lottery's offices, installment payments shall be made weekly, monthly, or annually, in accordance with the type of prize awarded, from the date prize is claimed));~~ or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the



claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize. Such "win for life" type prizes shall cease upon the death of the winner or the end of a guaranteed payment period (if any), whichever is later. Win for life prizes may be assigned; and the following conditions apply to such assignments:

(a) The original winner's actual life shall determine when prize payments cease; and

(b) The assignee shall be responsible for notifying the lottery of the original winner's death.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 315-34-055      Lotto prize claim and payment methods.

#### **WSR 99-19-105**

#### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed September 20, 1999, 1:37 p.m.]

Date of Adoption: September 20, 1999.

Purpose: Chapter 440-25 WAC, addressing county government administration of local chemical dependency treatment and prevention services, has been reviewed in its entirety, updated, and replaced with new chapter 388-810 WAC in keeping with Governor Locke's "Regulatory Improvement Order," Executive Order 97-02 and Secretary Quasim's April 17, 1997 Executive Order on regulatory improvement.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 440-25-005, 440-25-010, 440-25-020, 440-25-030, 440-25-040, 440-25-050, 440-25-060, 440-25-070, 440-25-080, 440-25-090, 440-25-100, 440-25-110, and 440-25-120.

Statutory Authority for Adoption: RCW 70.96A.040, 70.96A.090, and 70.96A.180.

Adopted under notice filed as WSR 99-16-098 on August 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 10, Amended 0, Repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 0, Repealed 13.

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 10, Amended 0, Repealed 13.

Effective Date of Rule: Thirty-one days after filing.

September 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### **Chapter 388-810 WAC**

#### **ADMINISTRATION OF COUNTY CHEMICAL DEPENDENCY PREVENTION, TREATMENT, AND SUPPORT PROGRAM**

#### NEW SECTION

**WAC 388-810-005 What is the purpose of this chapter?** The purpose of this chapter is to describe the planning, contracting, and provision of chemical dependency prevention, treatment, and support services through counties (see chapter 70.96A RCW).

#### NEW SECTION

**WAC 388-810-010 What definitions apply to this chapter?**

"County" means each county or two or more counties acting jointly.

"County chemical dependency program coordinator" means a person appointed by the county legislative authority as the chief executive officer responsible for carrying out the duties under chapter 70.96A RCW.

"County chemical dependency prevention, treatment, and support program" means services and activities funded by the department through a negotiated contract between a county and the department.

**"Department"** means the department of social and health services (DSHS).

**"Designated chemical dependency specialist"** means a person designated by the county chemical dependency program coordinator to perform the involuntary commitment duties under chapter 70.96A RCW.

#### NEW SECTION

**WAC 388-810-020 What are the qualifications to be a county chemical dependency program coordinator?** A county chemical dependency program coordinator must have training and experience in:

(1) Chemical dependency prevention, intervention, and treatment strategies used in combating chemical dependency; and

(2) Administration of social and/or human services programs, sufficient to perform the following duties:

(a) Providing general supervision over the county chemical dependency prevention, treatment, and support program;

(b) Preparing plans and applications for funds to support the county chemical dependency prevention, treatment, and support program;

(c) Monitoring the delivery of services to assure conformance with plans and contracts;

(d) Providing staff support to the county alcoholism and other drug addiction board;

(e) Selecting the county designated chemical dependency specialist(s) to perform the intervention, involuntary detention and commitment duties as described under RCW 70.96A.120 and 70.96A.140; and

(f) Advising DSHS, county courts, law enforcement agencies, hospitals, chemical dependency programs, and other local health care and service agencies in the county as to who has been designated as the chemical dependency specialist(s).

#### NEW SECTION

**WAC 388-810-030 What are the qualifications to be a county-designated chemical dependency specialist?** A county-designated chemical dependency specialist must:

(1) Be certified as a chemical dependency professional (CDP) by the department of health under chapter 18-205 RCW, or meet or exceed the requirements to be eligible to be certified as a CDP as described in chapter 246-811 WAC;

(2) Demonstrate knowledge of the laws regarding the involuntary commitment of chemically dependent adolescents and adults; and

(3) Demonstrate knowledge and skills in differential assessment of mentally ill and chemically dependant clients.

#### NEW SECTION

**WAC 388-810-040 Who determines the service priorities for the county chemical dependency prevention, treatment, and support program?** (1) DSHS determines the service priorities for services funded by the department.

(2) DSHS must inform the county of the service priorities during the contract negotiation process.

(3) Counties must follow DSHS's service priorities when delivering chemical dependency program services supported by department funds.

#### NEW SECTION

**WAC 388-810-050 How are available funds allocated for the county chemical dependency program?** (1) For the purposes of this section, "county" means the legal subdivision of the state, regardless of any agreement between two counties.

(2) The department shall allocate the funds available to the counties through funding formulas jointly developed with representatives of the counties, to carry out the intent of the federal and state legislated appropriations including any budget provisos.

(3) For information on current funding formulas, contact: Chief Financial Officer, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, Washington 98504-5330, Telephone: (360) 438-8088.

#### NEW SECTION

**WAC 388-810-060 How much money can a county claim for the administration of its chemical dependency prevention, treatment, and support program?** A county may not use more than ten percent of the chemical dependency prevention, treatment, and support program funds managed by the county for administering the program.

#### NEW SECTION

**WAC 388-810-070 How will funds be made available to the county?** (1) DSHS and each county negotiates and executes a county contract before the department reimburses the county for chemical dependency prevention, treatment, and support program services.

(2) DSHS may authorize the county to continue providing services according to a previous county contract and reimburse at the average level of the previous contract, in order to continue services until the department executes a new contract.

(3) DSHS may make advance payments to a county, if the payments facilitate sound program management.

(4) DSHS may require fiscal and program reports.

#### NEW SECTION

**WAC 388-810-080 May a county subcontract for chemical dependency prevention, treatment, and support services?** A county may subcontract for services specified in the contract.

**NEW SECTION**

**WAC 388-810-090 How does a county request an exemption?** (1) A county may request an exemption to these rules by sending a written request to the department.

(2) DSHS may grant an exemption if the department's assessment of the exemption request:

(a) Ensures the exemption does not undermine the legislative intent of chapter 70.96A RCW; and

(b) Shows that granting the exemption does not adversely affect the quality of the services, supervision, health, and safety of department customers.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 440-25-005 Purpose.
- WAC 440-25-010 Definitions.
- WAC 440-25-020 County alcohol and other drug addiction program coordinator—Qualification standards.
- WAC 440-25-030 County alcohol and other drug addiction program coordinator—Duties.
- WAC 440-25-040 County-designated chemical dependency specialist—Duties.
- WAC 440-25-050 Plan development and submission.
- WAC 440-25-060 Service priority.
- WAC 440-25-070 Funding formula.
- WAC 440-25-080 Contracting.
- WAC 440-25-090 Subcontracting.
- WAC 440-25-100 Payments.
- WAC 440-25-110 Appeal procedure.
- WAC 440-25-120 Exemptions.

**WSR 99-19-112  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed September 21, 1999, 10:21 a.m., effective January 1, 2000]

Date of Adoption: September 21, 1999.

Purpose: Chapter 296-24 WAC, Safety standards for general safety and health.

Topic: State initiate changes are being adopted to WAC 296-24-205 in order to correct errors and clarify language to the rule as it was recently adopted. This adoption was an

OSHA/WISHA collaborative effort to clear rule write the standard. These adopted changes are being done prior to the effective date of the current adopted rule in order to incorporate them as part of the final rule. In addition, the revisions will be consolidated into the User Guide that WISHA will complete and distribute prior to the effective date of the rule. There will be no change in requirements.

Citation of Existing Rules Affected by this Order:  
Amending safeguarding power transmission parts, chapter 296-24 WAC, Part C, General safety and health standards:  
WAC 296-24-20501 What is the employer's duty to protect employees from hazards of power transmission parts? WAC 296-24-20503 What requirements must guards meet? WAC 296-24-20505 What requirements must devices meet? WAC 296-24-20507 What requirements must safeguarding by distance meet? WAC 296-24-20509 What requirements must safeguarding by location meet? WAC 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts? WAC 296-24-20513 When may a guardrail be used as a safeguard? WAC 296-24-20515 What are the additional requirements for flywheels? WAC 296-24-20517 What are the additional requirements for shafting? WAC 296-24-20521 What are the additional requirements for belt and rope drives? WAC 296-24-20525 What are the additional requirements for belt shifters? WAC 296-24-20527 What are the additional requirements for sewing machines?

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 99-13-165 on June 22, 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 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, 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 12, Repealed 0.

Effective Date of Rule: January 1, 2000.

September 21, 1999

Gary Moore  
Director

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20501 What is an employer's duty to protect employees from hazards of power transmission**

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**parts?** ~~((1))~~ An employer must protect employees from the hazards of power transmission ~~((parts))~~ created by:

- (a) ~~Moving objects;~~
- (b) ~~Flying objects;~~
- (c) ~~Falling objects; and~~
- ~~((4))~~ moving objects and parts, including flying objects, falling objects and inherently hazardous surfaces, such as sharp edges, burrs, and protruding nails and bolts.

Specifically, an employer must use enclosure guards, devices, a safe distance, or a safe location to protect employees from the following:

- (1) Belt and rope drives, including pulleys;
- (2) Chain drives;
- (3) Shafts, crankshafts, shaft ends, couplings;
- (4) Gears;
- (5) Flywheels;
- (6) Cams and piston rods;
- (7) Other machine parts that transmit power and expose workers to hazards.

"Power transmission parts" means the mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

~~(((2)) An employer must use one or more of the methods of safeguarding listed below to eliminate the hazards described in subsection (1) of this section:~~

- ~~(a) Guard;~~
- ~~(b) Device;~~
- ~~(c) Safe distance; or~~
- ~~(d) Safe location.)~~

Note: Guardrails are not generally accepted as a safeguarding method, but see WAC 296-24-20513 for exceptions when guardrails may be used.

Note: See WAC 296-24-20521(1) for a list of power transmission belts that are exempt from the requirements of this section.

AMENDATORY SECTION (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20503 What requirements must guards meet?** ~~((To safeguard using a guard, an employer must ensure that the guard:~~

~~((1))~~ If relying upon a guard, the employer must ensure that it does the following:

- Prevents any part of an employee's body from reaching the hazard by reaching over, under, through, or past the guard;
- ~~(((2)))~~ • Prevents objects from flying ~~((out))~~ toward, or falling onto, an employee;
- ~~(((3)))~~ • Is made of durable material designed to withstand the forces to which it could be exposed;
- ~~(((4)))~~ • Is securely fastened to at least every three feet to a fixed part of the machine it safeguards or the building structure; and
- ~~(((5)))~~ • Creates no additional hazards such as from sharp edges or from motion between it and moving parts.

AMENDATORY SECTION (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20505 What requirements must devices meet?** To safeguard using a device, an employer must ensure that it:

- ~~(((1)))~~ • Stops motion of the power transmission parts before an employee is exposed to the hazard of coming into contact with a moving part; and
- ~~(((2)))~~ • Prevents the machine from restarting unless an employee manually resets it.

Note: Emergency stop controls or warning signals are not considered devices that, by themselves, effectively safeguard power transmission parts.

AMENDATORY SECTION (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20507 What requirements must safeguarding by distance meet?** To safeguard by distance, an employer must ensure that:

- ~~(((1)))~~ • The vertical distance between power transmission parts and a floor or walking or working surface is more than seven feet;
- ~~(((2)))~~ • The horizontal distance between power transmission parts and fixed ladders or stairs or other walking or working surface prevents any part of an employee's body from reaching the hazard;
- The power transmission parts are supported so they will not fall on an employee below; and
- ~~(((3)))~~ • No parts or material may fall on an employee below.

AMENDATORY SECTION (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20509 What requirements must safeguarding by location meet?** To safeguard by location, an employer must ensure that the location of power transmission parts eliminates the possibility that any part of an employee's body can inadvertently reach the hazard.

An employer may safeguard any location used exclusively for power transmission parts by ensuring that the location:

- Is locked;
- Prohibits unauthorized entrance;
- Has a passageway with an effective vertical clearance of at least five feet six inches;
- Is well lit;
- Has a dry, level, firm floor; and
- Has a safe, well-marked route for an authorized employee to follow.

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**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?** (1) An employer must remove, make flush, or guard with metal covers all projections on moving parts, including keys, set-screws, bolts, and nuts.

((a)) However, an employer is not required to remove, make flush, or guard keys or setscrews:

((i)) Within an enclosure;  
 ((ii)) Below the rim of a pulley that is less than twenty inches in diameter; or

((iii)) Where employee contact is not possible.

((b)) (a) An employer must fill or cover unused keyways.

((c)) (b) An employer must use only cylindrical revolving collars and ensure that screws or bolts used in collars do not project beyond the outside of the collar.

(2) An employer must ensure that power transmission parts are inspected at least once every sixty days for compliance with this standard, and are kept in good working condition at all times. An employer's inspection must ensure that:

((a)) A pulley with a ((crack)) cracked or broken piece is not used.

((b)) All bolts and screws holding power transmission equipment together or supporting the equipment are tight.

((c)) Belts, lacings, and fasteners are in good repair.

((d)) Power transmission parts are kept in proper alignment.

~~(3) ((An employer may safeguard any location used exclusively for power transmission parts by ensuring that the location:~~

- ~~(a) Is locked;~~
- ~~(b) Prohibits unauthorized entrance;~~
- ~~(c) Has a passageway with an effective vertical clearance of at least five feet six inches;~~
- ~~(d) Is well lit;~~
- ~~(e) Has a dry, level, firm floor; and~~
- ~~(f) Has a safe, well-marked route for an authorized employee to follow.~~

((4)) If it is necessary to lubricate power transmission parts while the parts are moving, an employer must ensure that:

(a) The tool an oiler uses, such as an oil can or grease gun, has a long spout to keep the oiler's hands away from the hazard.

((a)) (b) An oiler must wear closely fitting clothing.

((b)) (c) Drip cups and pans must be securely fastened.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20513 When may a guardrail be used as a safeguard?** (1) An employer may use a guardrail as a safeguard for:

((a)) A flywheel, when the guardrail is at least fifteen inches from the rim (also see WAC 296-24-20515 for other requirements on flywheels);

((b)) Cranks and connecting rods;

((c)) Tail rods and extension piston rods, when the guardrail is at least fifteen inches from the fully extended end of the rod;

((d)) A horizontal belt in a power generating room;

((e)) A clutch, cutoff coupling, or clutch pulley in an engine room occupied only by an engine room attendant; or

((f)) A runway used only for oiling, maintenance, running adjustment, or repair work.

(2) An employer must ensure that a guardrail used for safeguarding a machine:

(a) Has a toeboard at least four inches high; and

(b) Complies with WAC 296-24-75011.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20515 What are the additional requirements for flywheels?** (1) Flywheels located so that any part is seven feet or less above the floor or platform must be guarded with an enclosure and must be guarded with a guardrail placed not less than fifteen nor more than twenty inches from the rim. When other safeguarding methods cannot be used, an employer must safeguard a spoked flywheel with a smooth rim five feet or less in diameter by using a disk guard.

(2) The disk must cover the flywheel spokes on the exposed side, and create a smooth surface and edge.

((a)) An open space, a maximum of four inches wide, between the outside edge of the disk and the rim of the wheel may exist to turn the wheel over.

((b)) A key or other uncovered projection must be cut off.

((2)) (3) An employer may provide an adjustable guard at the flywheel of a ((gas)) gasoline or diesel engine for starting the engine or for a running adjustment. A slot opening for a jack bar is permitted.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20517 What are the additional requirements for shafting?** (1) An employer must secure shafting against excessive endwise movement.

(2) An employer must maintain shafting so that it is free from excess oil or grease and pitting from corrosion.

(3) An employer may safeguard shafting under a bench machine by using a guard that extends to:

(a) Within six inches of the underside of the table or the floor; and

(b) At least two inches beyond the shafting.

(4) An employer must ensure that projecting shaft ends:  
 (a) Have a smooth edge and end and project no more than one-half the diameter of the shaft; or

(b) Are guarded by a nonrotating cap or safety sleeve.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20521 What are the additional requirements for belt(~~(s)~~) and rope(~~(s)~~ and chain) drives?**

(1) An employer is not required to safeguard belts operating at two hundred fifty linear feet per minute or less that are:

- ((~~a~~)) • Flat and one inch wide or less; or
- ((~~b~~)) • Flat and between one to two inches wide with no metal lacings or fasteners; or
- ((~~c~~)) • Round and one-half inch or less in diameter; or
- ((~~d~~)) • Single strand v-belts thirteen thirty-seconds inch wide or less.

(2) An employer may use a nip point ((~~belt~~)) and pulley guard on a vertical or inclined belt that:

- ((~~a~~)) • Is two and one-half inches wide or less;
- ((~~b~~)) • Is running at a speed of less than one thousand feet per minute; and
- ((~~c~~)) • Is free from metal lacings or fastenings.

"Nip-point belt and pulley guard" means a device that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

(3) When the space between the upper and lower runs of a horizontal belt would allow an employee to pass between them, an employer ((~~may~~)) **must**:

- ((~~a~~)) • Guard along the upper run; or
- ((~~b~~)) • Provide a platform over the lower run((~~s~~)) and ((~~c~~ Provide)) a railing over the lower run that will prevent employees from leaving the platform.

((~~d~~)) In a power generating room, only the lower run of a horizontal belt must be guarded.

(4) ((~~A~~)) The employer must use ((a)) an idler when using quarter-twist belts ((with an idler on a drive)) that can run((s)) in ((both)) either direction((s)).

(5) ((~~A~~)) On those belt and rope drives that require dressing, the employer must apply ((a)) the dressing to a moving belt or rope where the belt or rope leaves the pulley.

(6) An employer ((~~may not safeguard by distance or location an overhead belt located more than seven feet above a floor or platform~~)) must guard an overhead belt located more than seven feet above the floor or working surface when:

- ((~~a~~)) • The belt is located over a passageway or work space and travels at a speed of one thousand eight hundred feet or more per minute; or
- ((~~b~~)) • The distance between the centers of its pulleys is ten feet or more; or
- ((~~c~~)) • The belt is wider than eight inches.

(7) An employer must ensure that a belt shifted by hand is not fastened with metal or other material that creates a hazard.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20525 What are the additional requirements for belt shifters?** (1) An employer must

ensure that the equipment listed below, if installed after August 17, 1971, has a permanent, mechanical belt shifter:

- ((~~a~~)) • Tight and loose (drive and idler) pulleys; and
- ((~~b~~)) • A cone pulley belt.

(2) An employer must ensure that a belt shifter or clutch handle:

- (a) Safeguards the nip point;
- (b) Is rounded;
- (c) Is within easy reach, but minimizes the chance of accidental contact with the operator; and
- (d) Is located over a machine or bench, or has handles cut off six feet six inches above the floor level.

(3) No belt shifter is required if:

- ((~~a~~)) • The belt is endless or ((~~laced~~)) laces with rawhide; and
- ((~~b~~)) • The nip point of the belt and pulley is safeguarded by a nip point guard in front of the cone((~~s~~)); and
- ((~~i~~)) • The guard ((~~must~~)) extends at least to the top of the largest step of the cone((~~s~~)) and ((~~ii~~ The guard must be)) is formed to show the contour of the cone.

(4) An employer must ensure that each belt shifter and clutch handle of the same type in a workplace moves in the same direction to stop a machine, i.e., either all right or all left.

(a) A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction; and

(b) The clutch handle must have three positions with the machine at rest when the clutch handle is in the center position.

(5) An employer must ensure that a belt tightener used to activate machinery:

- (a) Is substantially constructed and securely fastened;
- (b) Has bearings securely capped;
- (c) Has a mechanism to prevent it from falling; and
- (d) Is securely held in the "off" position by gravity, or by an automatic mechanism that must be released by hand.

(6) An employer may not use a belt pole to shift a belt on and off a fixed pulley. When a belt shifter cannot be used, an employer may use a belt pole that is:

- (a) Smooth; and
- (b) Large enough for an employee to grasp securely.

Note: A belt pole is also known as a "belt shipper" or "shipper pole."

(7) An employer must use a substantial belt perch, such as a bracket, roller, etc., to safely shift an idle belt away from ((~~the~~)) a shaft when a loose pulley or idler is not practical.

(8) An employer must ensure that a bearing support immediately adjacent to a friction clutch or cutoff coupling has self-lubricating bearings requiring infrequent attention.

**AMENDATORY SECTION** (Amending WSR 98-10-073, 98-24-120 and 99-12-091, filed 5/4/98, 12/2/98 and 6/1/99, effective 1/1/00)

**WAC 296-24-20527 What are the ((alternate safeguarding)) additional requirements ((that apply to)) for**

**sewing machines?** No guard is required for belt drives on a light or medium duty sewing machine if:

((1)) ± It uses either a flat or a round belt without metal lacings and fasteners;

((2)) ± The belt is located above the table top;

((3)) ± The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl;

((4)) ± The operators' hands are not in, near, or on the wheel, nip point, or belt area when the machine is operating;

((5)) ± The distance between the area where the operator is holding and feeding material with both hands and the belt or wheel location(s) is great enough that the operator is not exposed to a motion hazard; and

((6)) ± The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.

### WSR 99-19-113

#### PERMANENT RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 21, 1999, 10:24 a.m., effective November 1, 1999]

Date of Adoption: September 9, 1999.

Purpose: These revisions are to provide for an employee who signs up for voluntary overtime to be considered to have waived his/her right to call-back compensation.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-100 and 356-15-110.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 99-16-103 on August 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 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 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: November 1, 1999.

September 15, 1999

Dennis Karras  
Secretary

AMENDATORY SECTION (Amending WSR 90-15-037 (Order 359), filed 7/13/90, effective 8/13/90)

**WAC 356-15-100 Call-back for work preceding or following a scheduled workshift.** (1) Scheduled work period employees shall be notified prior to their scheduled

quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the Department of Corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

AMENDATORY SECTION (Amending WSR 96-02-073, filed 1/3/96, effective 2/3/96)

**WAC 356-15-110 Call-back for work on scheduled days off or holidays.** (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the Department of Corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

## WSR 99-19-114

## PERMANENT RULES

## PERSONNEL RESOURCES BOARD

[Filed September 21, 1999, 10:25 a.m., effective November 1, 1999]

Date of Adoption: September 9, 1999.

Purpose: These modifications are housekeeping in nature and are intended to correct code reviser filing notes from previous filings.

Citation of Existing Rules Affected by this Order: Amending WAC 356-09-040 and 356-22-180.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 99-13-104 on June 15, 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 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 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: November 1, 1999.

September 15, 1999

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 99-05-043, filed 2/12/99, effective 4/1/99)

**WAC 356-09-040 Affirmative action program—Responsibilities—Department of personnel.** The department of personnel is responsible for administering the state's affirmative action program and providing technical assistance to state agencies in the development and implementation of their affirmative action programs. In keeping with these responsibilities, the department of personnel will accomplish the following:

- (1) Publish guidelines that will assist agencies in developing and implementing their affirmative action plan.
- (2) Provide agencies with the data required to develop and implement affirmative action goals.
- (3) Review agency affirmative action plans and equal employment opportunity policy statements for compliance with applicable merit system rules and established affirmative action guidelines, and recommend changes as appropriate.
- (4) When plans and policy statements are in compliance, recommend them for approval to the governor's affirmative action policy committee.

(5) With the assistance of state agencies, initiate the recruitment of affected group members, including target recruitment when appropriate.

(6) Monitor items submitted to the (~~personnel~~) board for possible negative effect on affirmative action.

(7) Monitor affected group participation in agencies' human resource development activities.

(8) Monitor agencies' progress in meeting goals and addressing problems identified in their affirmative action program.

**AMENDATORY SECTION** (Amending WSR 99-05-043, filed 2/12/99, effective 4/1/99)

**WAC 356-22-180 Examination—Oral examining panel.** (1) The members of oral examining panels shall be chosen primarily for their ability to judge the qualifications of applicants objectively. At least one member by past experience and training shall be generally familiar with the nature of the work for which the examination is being given. Emphasis will be placed on including at least one affected group member on each oral examining (~~panel~~ ~~board~~) panel.

(2) No examining panel shall have fewer than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such panel.

(3) If conditions require establishing multiple panels, tests and instructions shall be structured to ensure uniformity of examining conditions and rating standards.

(4) Members of oral examining panels shall disclose each instance in which they know an applicant to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify themselves without rating the applicant or biasing the remaining members.

## WSR 99-19-115

## PERMANENT RULES

## PERSONNEL RESOURCES BOARD

[Filed September 21, 1999, 10:27 a.m., effective November 1, 1999]

Date of Adoption: September 9, 1999.

Purpose: This modification is housekeeping in nature and is intended to correct code reviser filing notes from previous filings.

Citation of Existing Rules Affected by this Order: Amending WAC 251-24-030.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 99-13-105 on June 15, 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 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 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: November 1, 1999.

September 15, 1999

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 99-05-042, filed 2/12/99, effective 4/1/99)

**WAC 251-24-030 Training and development programs—Contents.** Each institution (~~shall~~ ~~with~~) shall develop (~~and maintain on file with the board (subject to approval by the director)~~) an employee training and development plan (~~(which is subject to approval by the director)~~), which is subject to approval by the director, that provides as a minimum:

(1) The policy and objectives of the institution concerning training and development programs;

(2) The institution's policy regarding training program expenses;

(3) Identification of the person(s) responsible for employee training and development programs;

(4) Provision for the identification and appraisal of training and development needs;

(5) The identification of proposed training activities in the following areas:

(a) New employee orientation;

(b) Functional training, such as in accounting, data processing, office administration and job skills;

(c) System training, such as affirmative action, labor relations and safety;

(d) Professional/technical training;

(e) Management and organizational development;

(f) The institution's off-hour training or continuing education program;

(g) Specific training in the prevention, transmission, and treatment of HIV and AIDS for those employees who have a substantial likelihood of on-the-job exposure to the human immunodeficiency virus or acquired immunodeficiency syndrome virus;

(h) Training of supervisors on implementation of the institution return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee;

(6) Provision specifying the manner of selecting employees for training or development programs;

(7) Provision for training records of employee participation;

(8) Provision for training employees as part of the institution's affirmative action program;

(9) Involvement of a representative group of employees in the development of the institution's training policy and plans;

(10) Provision for evaluation of training and development programs;

(11) The criteria by which the institution may provide employees the opportunity to attend class instruction in academic session during regular working hours;

(12) The institution's policy regarding release time during work hours for training course attendance;

(13) Provision for access to in-house training and development programs for former permanent employees returning from separation as set forth in WAC 251-10-070.

## WSR 99-19-118

### PERMANENT RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 21, 1999, 10:31 a.m., effective November 1, 1999]

Date of Adoption: September 9, 1999.

Purpose: These modifications are housekeeping in nature. Employees appointed from a state-wide layoff list have already served a probationary period, therefore, the employee should be serving a trial service period, not a probationary period.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-435, 251-11-130, 251-19-050, and 251-19-060.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 99-13-106 on June 15, 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 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 4, Repealed 0.

Effective Date of Rule: November 1, 1999.

September 15, 1999

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

**WAC 251-01-435 Trial service.** The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not

held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-19-060~~((6))~~.

**AMENDATORY SECTION** (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

**WAC 251-11-130 Trial service reversion.** An employee, prior to completing a trial service period, may be reverted by an employing official for failure to perform satisfactorily in the class. When such reversion becomes necessary, the written notice and employee rights upon reversion will be as provided in WAC 251-19-060~~((3))~~. Trial service reversion is not appealable to the personnel appeals board when the conditions of WAC 251-19-060~~((4))~~ have been satisfied.

**AMENDATORY SECTION** (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-19-050 Appointment—Probationary.** (1) Probationary appointment shall be made only upon appointment of eligibles from the:

- (a) Open-competitive or noncompetitive list.
- (b) Institution-wide layoff list - when the employee was in probationary status at the time of layoff.
- ~~((c) State-wide layoff list.)~~
- ~~((d))~~(c) Combined eligible list as provided in WAC 251-18-180~~((10))~~ and 251-18-240 ~~((3)(b)(ii))~~ when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-19-110.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay and/or shared leave for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

- (a) The employee shall begin a probationary period in the new class;
- (b) The salary in the new class shall be established as provided in WAC 251-08-080;
- (c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100~~((2))~~.

**AMENDATORY SECTION** (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

**WAC 251-19-060 Trial service period.** (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080 ~~((1)(a))~~, or

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140~~((5))~~.

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110.

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180 ~~((3)(b))~~.

(4) A trial service period shall be required upon appointment from a statewide layoff list as provided in WAC 251-10-060.

~~((4))~~ (5) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

~~((5))~~(6) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

~~((6))~~(7) An employee who is reverted may appeal to the personnel appeals board regarding:

(a) Whether the employer complied with the requirements of subsection ~~((5)(a) and (b))~~(6) of this section; and

(b) Whether the claimed deficiencies existed at the time of reversion.

~~((7))~~(8) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

~~((8))~~(9) Successful completion of the trial service period shall result in permanent status in the class.

~~((9))~~(10) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115~~((4))~~ and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

**WSR 99-19-119**

**PERMANENT RULES**

**PERSONNEL RESOURCES BOARD**

[Filed September 21, 1999, 10:32 a.m., effective November 1, 1999]

Date of Adoption: September 9, 1999.

Purpose: These new rules are a result of the passing of SHB 1282 regarding relocation compensation.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 99-16-102 on August 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 2, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Effective Date of Rule: November 1, 1999.

September 15, 1999

Dennis Karras

Secretary

NEW SECTION

**WAC 356-14-300 Relocation compensation.** (1) An agency director may authorize lump sum relocation compensation, within existing resources, whenever

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of

the date of the appointment or transfer, the state is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the person to repay the relocation compensation.

(3) Prior to authorizing lump sum relocation compensation, each agency shall develop written criteria which includes:

(a) Defining the circumstances in which relocation compensation will be granted; and

(b) The method used in determining the amount of compensation.

NEW SECTION

**WAC 251-19-180 Relocation compensation.** (1) An institution of higher education's president may authorize lump sum relocation compensation, within existing resources, whenever

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the higher education institution is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the higher education institution's president will not require the person to repay the relocation compensation.

(3) Prior to authorizing lump sum relocation compensation, each institution shall develop written criteria which includes:

(a) Defining the circumstances in which relocation compensation will be granted; and

(b) The method used in determining the amount of compensation.

**WSR 99-19-147**

**PERMANENT RULES**

**HIGHER EDUCATION**

**COORDINATING BOARD**

[Filed September 22, 1999, 8:52 a.m.]

Date of Adoption: September 15, 1999.

Purpose: Adopting new section WAC 250-79-030 by reference to the OSPI's amendment pertaining to the running start program, clarifying enrollment and tuition rates.

Citation of Existing Rules Affected by this Order: New section WAC 250-79-030.

Statutory Authority for Adoption: RCW 28A.600.390.

Adopted under notice filed as WSR 99-15-084 on October 29 [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

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Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 September 20, 1999  
 Belma Villa  
 Executive Assistant  
 Rules Coordinator

**NEW SECTION**

**WAC 250-79-030 Adoption by reference.** Adopting running start rule revisions by reference to amended sections WAC 392-169-025; 392-169-030; 392-169-055; 392-169-057; and 392-169-060, filed by the office of the superintendent of public instruction by WSR 99-13-124, filed 6/16/99.

**WSR 99-19-150**  
**PERMANENT RULES**  
**PENINSULA COLLEGE**  
 [Filed September 22, 1999, 8:58 a.m.]

Purpose: Repealing rules that have been replaced.  
 Citation of Existing Rules Affected by this Order: Repealing Title 132A WAC (prior to 1999 revisions), except for WAC 132A-276-045.

Adopted under preproposal statement of inquiry filed as WSR 99-16-028 on July 27, 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 103.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 September 17, 1999  
 Bonnie Cauffman  
 Assistant Vice-President  
 Human Resources

**WSR 99-19-176**  
**PERMANENT RULES**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 22, 1999, 11:42 a.m.]

Date of Adoption: September 19, 1999.  
 Purpose: The purpose of this amendment is to comply with SHB 1935, and the amendment will also reflect changes in ECEAP program performance standards.

Citation of Existing Rules Affected by this Order: Amending chapter 365-170 WAC.

Statutory Authority for Adoption: RCW 43.63A.060.

Adopted under notice filed as WSR 99-15-106 on July 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 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 1, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 September 22, 1999  
 Jean Ameluxen  
 Director of  
 Intergovernmental Relations

**AMENDATORY SECTION** (Amending Order 87-02, filed 1/23/87)

**WAC 365-170-020 Purpose.** The purpose of this chapter is to set forth the conditions and procedures under which state funding ((with)) may be made available to assist local early childhood education and assistance programs.

**AMENDATORY SECTION** (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-030 Definitions.** (1) "Applicant" means a public or private nonsectarian organization which applies

PERMANENT

for state early childhood education and assistance program ~~((assistance)) funds.~~

(2) "At risk" means ~~((children residing in low income families who are))~~ by virtue of ~~((their))~~ socio-economic, or developmental or environmental status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community, trade and economic development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the ~~((program))~~ early childhood education assistance program performance standards.

(6) "Director" means the director of the department of community, trade and economic development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community, trade and economic development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) ~~((("Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.~~

(9)) "Enrolled child(ren)" means participant(s) in the early childhood education and assistance program.

(9) "Family" means all persons living in the same household who are supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(10) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community, trade and economic development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

~~((+0))~~ (11) "Like educational services" means comprehensive programs providing educational, ~~((social, parent involvement))~~ family support, and health services funded by other sources.

~~((+1))~~ (12) "Low-income family" means a family whose total income before taxes for the previous twelve months or full calendar year, whichever period better reflects the current income of the family, ~~((prior to the enrollment of their child in the early childhood education and assistance program))~~ is equal to, or less than, one hundred ten percent of the federally established poverty guidelines as defined by the department of health and human services. ~~((The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.~~

~~((12))~~ Recipients of cash benefits under the temporary assistance to needy families program are included in this definition.

(13) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-050 Eligibility criteria for funding applicants.** (1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(3) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

~~((5))~~ Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.

(6) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and Native American families living on or off reservation.)

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-070 Use of funds.** (1) Department funds ~~((shall))~~ must not be used to supplant other existing funding sources.

(2) Contracting agencies receiving early childhood education assistance program funds must provide comprehensive early education and family support services free of charge to enrolled families.

(3) Early childhood education assistance program funds must be used as dollars of last resort for medical, dental, nutrition and mental health services.

(4) Administrative costs under this program are limited to fifteen percent of the total award.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-080** ~~((Eligibility criteria for clients.))~~ Recruitment, eligibility and enrollment of children. (1) Nondiscrimination. Programs must neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of gender, race, color, religion, age,

national origin, citizenship, ancestry, physical or mental disability, family configuration, culture, or because such person is a recipient of federal, state, or local public assistance. Services must comply with ADA and the Family Policy Initiative principles defined in RCW 74.14A.025.

(2) Recruitment.

(a) Policies and procedures must be in place to systematically recruit, document eligibility, and enroll children who reflect the low-income population in the service area of the program. Ongoing recruitment activities must be conducted to ensure that eligible families in the community are aware of services.

(b) Recruitment efforts must be made to ensure enrollment at one hundred percent of the funded enrollment level within thirty calendar days of the first date of service. Daily attendance at eighty-five percent of the funded enrollment level must be maintained. Efforts to recruit eligible children and maintain waiting lists for filling vacancies as they occur must continue until forty-five calendar days from the end of the program year.

(c) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation.

(d) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet income eligibility requirements if the child is determined to be "at-risk" due to developmental or environmental factors.

(3) Eligibility. A child is eligible if:

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system. (Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.

(2) A child must be a member of a low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.)):

(c) The child is not otherwise a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10); and

(d) The child:

(i) Is a member of a family with an income level that, as defined by the Department of Health and Human Services, is at or below one hundred ten percent of the U.S. Poverty Guidelines for family size. Verification and documentation of family income must be obtained for the previous calendar year or twelve months which precede the child's enrollment

date, whichever is more reflective of current circumstances; or

(ii) Is a member of a family which receives cash benefits under the Temporary Assistance to Needy Families program; or

(iii) Occupies one of the slots of ten percent which may be filled with children who do not meet income eligibility requirements but are determined to be at-risk due to developmental or environmental factors; or

(iv) Occupies one of the slots of ten percent of slots available state-wide which shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation who are otherwise eligible.

(4) Enrollment.

(a) Enrolled children and their families must not be charged fees for any services provided.

(b) Programs must develop an enrollment process that addresses identification of age eligible and income eligible children and prioritization within that same population. Priority must be given to children from families with the lowest income or to eligible children from families with multiple needs. Criteria for prioritizing child eligibility must address the various factors in WAC 365-170-080(3) and must at minimum prioritize as follows:

(i) First priority for enrollment, consistent with the intent to prepare children for the common school system, must be given to four year olds who are not eligible for kindergarten as of August 31 of the contract year and are considered to be at-risk;

(ii) Second priority must be given to three-year-olds if local program priorities determine the child would benefit from a comprehensive early education program.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-090 Program design. ((Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

(1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(e) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(f) Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(g) Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children which will be integrated into instructional activities in home-based and center-based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.138 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program and shall comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(3) Social services component:

(a) Age and income eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria which includes, but is not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives. (1) Standards for program design are based on a model of comprehensive services to enrolled children and their families. These include educational and health services, including medical, dental, nutrition, mental health, and family support services. Parents must be given the opportunity to be involved in every aspect of the planning and implementation of services.

(2) Programs must support and demonstrate parent/guardian leadership and involvement throughout all levels of a comprehensive early childhood education and assistance program. This must include development of systems for feedback and program performance.

(3) A community needs assessment which involves staff, parents/guardians and other community group(s) must be conducted in accordance with early childhood education and assistance program performance standards. The results of a community needs assessment must be the basis for the development of service delivery options. Service delivery models must meet the following criteria:

(a) Thirty-two weeks of direct services per program year; and

(b) A minimum of two hundred forty hours of child direct services over thirty weeks; and

(c) A minimum of one peer experience/group session per week, no less than four hours and no more than six hours per session; multiple peer experiences in a week must be no less than two and one-half hours per session; and

(d) Three hours of educational planning meetings per year; and

(e) Three hours of adult contact per child's family per year to provide family support services; and

(f) 1:6 adult/child ratio with at least one adult being a lead teacher for classroom/group activities. Programs must develop services according to this ratio and make reasonable efforts to maintain this ratio on a regular basis. In no case shall the ratio fall below 1:9; and

(g) No more than eighteen children per group setting. Where a group size of eighteen children cannot be maintained, the design must maintain a group setting no larger than twenty-four and maintain an adult child ratio of 1:6.

(4) Educational services.

(a) Programs must provide educational services using a developmentally appropriate approach. Services must provide individual and age appropriate learning experiences, curricula, environments, guidance, direct child supervision and strategies that support all enrolled children's social-emotional, physical, and intellectual development. Environments must reflect the cultural and linguistic backgrounds of enrolled children.

(b) The program must provide methods for enhancing the knowledge and understanding of staff and parents of the



educational and developmental needs and activities of enrolled children.

(c) Corporal punishment or other humiliating or frightening discipline techniques must not be used. Staff and parents participating in the program must be trained for and must use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(5) Family support services. Programs must provide family support services using an approach that builds from parent/guardian strengths and involvement and supports parent empowerment and family advocacy. Needs must be assessed to assist families in identifying and using appropriate and available community resources. Programs must coordinate with existing community resources, including existing head start and other preschool programs. Staff and families must work together to develop reciprocal relationships. Family support practices must address family assets and needs through a variety of service strategies such as:

(a) Acknowledge parents/guardians as resources to themselves and others;

(b) Reflect family support principles in delivery of services to families;

(c) Develop family services that are responsive to economic circumstances, individual cultures, languages and child rearing techniques;

(d) Facilitate the family's access to economic, social and health resources to support family self-sufficiency;

(e) Develop communication systems with families that increase their involvement in their child's healthy development;

(f) Build environments that are culturally and linguistically relevant and that encourage self-advocacy within the community;

(g) Involve families in shared decision-making activities;

(h) Develop activities to ease transitions for enrolled children and their families between preschool and elementary schools and from home to other care settings; and

(i) Promote and support the family's role as advocates for their children.

(6) Health services and safety.

(a) Programs must provide health services using an approach that addresses individual child health issues and makes appropriate referrals for family members. Staff and families must work together to remove obstacles to the healthy and safe development of each child. Health practices must address family needs through a variety of service strategies as outlined in the early childhood education and assistance program performance standards.

(b) A health advisory committee (HAC), composed of medical, dental, nutrition, public and mental health providers, parents/guardians of enrolled and/or past enrolled young children, and staff, must be established to advise the program. Existing committees may be modified to accomplish this. The health advisory committee must:

(i) Provide input on health, nutrition, and mental health services planning and policies;

(ii) Address service delivery implementation issues, concerns and procedures; and

(iii) Provide a forum for parent empowerment and leadership skill development.

(c) Programs must obtain parent/guardian consent before any screenings, assessments or the procurement of any medical, dental, nutrition and mental health services for their child or before taking the child off premises. Staff must inform parents/guardians when health issues or developmental concerns are suspected or identified in their child. Programs must facilitate safe and timely responses to medical emergencies as outlined in the early childhood education assistance program performance standards. Programs must ensure the confidentiality of all medical, dental, nutrition, and mental health records. Records and results of diagnostic and follow-up procedures must be shared with parents/guardians, and may be released to other providers only with informed, written consent.

(d) Programs must ensure that all children receive a medical and dental exam as outlined in the early childhood education assistance program performance standards. Programs must ensure that all children are immunized in accordance with WAC 246-100-166. Children can attend group settings on a conditional basis when a schedule of immunizations is developed and near completion, or when a written medical or personal exemption is documented according to WAC 246-100-166.

(e) Programs must provide for an organized health education program for staff, parents, and children which must be integrated into instructional activities in programs.

(f) Programs must ensure that a mental health professional is available to work collaboratively with parents/guardians to address children's mental health issues and other concerns. Mental health services to screen and identify the emotional needs of children must be provided as needed in a systematic manner that addresses early identification, ongoing progress, follow-up and assessment, as indicated in the early childhood education and assistance program performance standards.

(g) Programs must have access to a health professional that provides consultation regarding individual children's needs and development of health education programming for children and families.

(h) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(i) Programs must have access to a registered dietician that provides consultation regarding development of nutrition services for children and their families as defined in chapter 18.138 RCW.

(j) Food must be offered which meets one-third of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, must be approved by a certified dietician. The certified dietician must be available to provide consultation and education concerning the nutritional needs of enrolled children.



(k) Contracting agencies must apply for and participate in federally funded food service/food reimbursement programs under the USDA child food and nutrition program and/or the child and adult care food program through the office of the superintendent of public instruction.

(l) Programs must establish policies and practices to safeguard against children's exposure to and transmission of infectious diseases in accordance with the office of the superintendent of public instruction infectious disease control guide for school staff developed by the Washington state department of health. Programs must follow universal safety precautions and follow local requirements for reporting of communicable diseases. Sufficient toilet and handwashing facilities that are readily available and reachable by children must be maintained.

(m) Contractors must comply with state and local sanitation laws and regulations for food preparation and handling, storage, and service.

## NEW SECTION

**WAC 365-170-095 Staffing.** (1) A system must be developed for the recruitment and selection of early childhood education and assistance program staff. The system must:

- (a) Meet state and relevant federal laws that ensure equity;
- (b) Advertise and describe position qualifications and requirements to the public;
- (c) Use a selection and hiring process which involves parents, guardians and appropriate staff;
- (d) Requires background reference check, criminal record clearance, and finger printing of any staff or volunteers who have unsupervised contact with children;
- (e) Prevents hiring of staff whose health or behavior presents a threat to children's safety.

(2) A description of how specific staff classifications will be used to deliver services in each distinct model must be maintained in program planning records. Programs must make concerted efforts to recruit and hire qualified staff that reflects the diversity of culture, ethnicity, language and physical abilities of the service population.

(3) Staff hired into lead teacher and family educator positions must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later. Staff hired into positions of assistant teacher, family advocate, family service worker and health aide after June 30, 1999, must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later.

(4) Early childhood education or special education degrees from out-of-state may be accepted on par with Washington state degrees. Out-of-state teaching certificates must be validated by an endorsement obtained through the office of the superintendent of public instruction.

(5) Clock hours accumulated through June 30, 1999, may be credited towards quarter credit requirements of positions at the rate of ten clock hours to one credit hour.

(6) Staff not meeting standard qualifications may be hired if they meet provisional qualifications and program

records document planning for progression to the standard qualifications within five years.

(7) An exception to minimum qualifications may be requested of the department to retain or appoint a person who does not meet the standard or provisional qualifications but has other education and experience in the applicable field. Any necessary approvals for existing staff must be obtained by August 31, 1999.

(8) Programs unable to hire staff meeting standard qualifications must document written plans and efforts for professional development. Planning documents must show how staff will progress to the standard qualifications of their position(s) within five years of appointment, or by July 1, 2004, whichever is later.

(9) The following standard and provisional staff qualifications are required for program positions.

(a) Standard lead teacher qualifications:

(i) A two-year or four-year degree from an accredited public or private institution of higher education in the field of early childhood education or child development and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or equivalent semester hours in the field of early childhood education or child development; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(b) Provisional lead teacher qualifications. Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in early childhood education or early childhood special education.

(c) Standard assistant teacher qualifications. One year of successful, relevant, documented work experience in a preschool or child care setting; **and**

(i) A one year certificate in the field of early childhood education or child development from an accredited public or private technical college or institution of higher education; **or**

(ii) A high school diploma and child development associate (CDA) certificate.

(d) Provisional assistant teacher qualifications. One year of successful, relevant, documented work or volunteer experience in a preschool or child care setting.

(e) Standard family educator qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, social work, early childhood education, child development, psychology,

or a related field from an accredited public or private institution of higher education and two years of successful work experience with adults/parents and young children; or

(ii) Three years of successful, relevant, documented work experience with adults/parents of young children; and

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education and thirty quarter units or the equivalent semester hours in adult education, human development, human services, social work, early childhood education, child development, or a related field; or

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(f) Provisional family educator qualifications. Three years of successful, relevant, documented work experience in a preschool, child care, kindergarten or social work setting; and

(i) A child development associate certificate (CDA); or

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; or

(iii) A valid Washington state teaching certificate, which does not include an endorsement in Early childhood education or early childhood special education.

(g) Standard family advocate, family service worker, and health aide qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, public health, health education, nursing, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and a minimum of two years of successful, relevant, documented work experience with adults/parents and young children; or

(ii) A two-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or the equivalent semester hours in the fields of adult education, human development, human services, social work, nursing, public health, health education, early childhood education, child development or a related field and three years of successful work experience with adults/parents of young children.

(h) Provisional family advocate, family service worker, and health aide qualifications. Two years or more of successful, relevant, documented work or volunteer experience working with families of young children in an early childhood family support program setting.

(i) Standard health professional qualifications:

(i) Four-year degree in the field of public health, nursing, or health education and two or more years experience in public health, nursing, health education, or management of a health program serving children and families; or

(ii) A registered nurse with a two-year degree in nursing, health education, or the management of health programs, and two or more years experience in health programs serving children and families.

(j) Standard dietician qualifications. Two years successful, relevant, documented work experience in a community nutrition program serving children and families and a four-year degree in nutrition science, public health nutrition, dietetics, or other related fields and current registration with the American Dietetic Association as dietician or be eligible, registered and scheduled for the registration exam.

(k) Standard mental health professionals qualifications:

(i) Certified or licensed mental health professional; or

(ii) School counselor; or

(iii) A registered mental health professional working in a licensed facility; or

(iv) Licensed psychologist with experience and expertise serving young children and their families.

(10) Programs must implement and maintain a system for training and development of staff and families of enrolled children. Staff and families must be involved in the system design and implementation process.

#### AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-100 ((Administrative component.) Administration.** (1) ~~((Services to children and their families will be delivered through one or more of the following options:~~

~~(a) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education related home visits to families will be completed during the year. Class unit size will not exceed eighteen children with an adult:child ratio of 1:6. There shall be a lead teacher for every class unit.~~

~~(b) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits by a home base educator. The case load for home base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.~~

~~(c) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A locally designed option must: Contain rationale as to why the center based and home based options in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the locally designed option is acceptable on a case by case basis.~~

~~(2) The following staff qualifications are required for lead teachers in a center based program:~~

~~(a) For lead teachers, experience with low income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:~~

(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or

(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:

(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low-income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the

qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(6) Transportation: Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet all applicable local ordinances and state and federal laws, rules, and regulations.

(7) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with

~~the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.)) Facility:~~

~~(a) Facilities must provide a physical environment conducive to learning and reflective of the needs of children.~~

~~(b) Programs must conform to all applicable state, local and county laws and ordinances for fire, health, and safety.~~

~~(c) Indoor/outdoor facilities must be safe, in good repair, sanitary and barrier free for all children and adults. Appropriate provisions for safe storage of flammable, toxic and hazardous materials must be made. Facilities must include regularly updated and inspected smoke detectors and fire alarms. Flaking or deteriorating lead-based paint must be refinished with lead-free paint or other nontoxic materials. Emergency lighting must be available in each classroom. Spaces occupied by children must be accessible to adults at all times that children are present. Provisions must be made to fence or supervise outdoor play areas sufficiently to prevent children from leaving the premises and wandering into unsafe and unsupervised areas. Programs located in schools must adhere to the Washington state primary and secondary schools facility standards. All other program locations must follow DSHS child care center licensing guidelines. Programs must establish a systematic review of facilities for compliance with safety regulations.~~

~~(d) Sites must have a minimum of thirty-five square feet of indoor space and a minimum of seventy-five square feet of outdoor space, (exclusive of bathroom, hall, kitchen, and storage) per child.~~

~~(2) Transportation. Children must be transported to and from program activities as follows:~~

~~(a) One-way scheduled transportation time must be no more than one hour except in rural/remote areas where transportation time must be kept to a minimum;~~

~~(b) Buses used for transportation of children must meet child safety standards as set forth by the office of the superintendent of public instruction;~~

~~(c) Vans or other vehicles must meet child safety standards as set forth by the Washington state patrol;~~

~~(d) Alternative transportation may be used if all other transportation services have been investigated and are not available to the program. A system must be in place to ensure documentation and completion of routine vehicle safety inspections. Drivers of vehicles must have valid required licenses and insurance coverage. Copies of licenses and insurance records must be filed in program records;~~

~~(e) Vehicles must meet insurance requirements designated by the Washington department of licensing (DOL);~~

~~(f) Programs located within school districts that are eligible for school bus transportation must adhere to school busing regulations;~~

~~(g) Parental consent forms for transportation of children in a personal vehicle must be kept on file.~~

~~(3) Policy council:~~

~~(a) The program must provide for parental involvement at a level including, but not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.~~

(b) A policy council, separate from an agency board of directors, must be established by every agency contracting to operate early childhood education and assistance program. The policy council is a decision-making body, which is responsible for initiating suggestions to the early childhood education and assistance program, its administration, and its parents, and for receiving reports on actions taken by the agency regarding its recommendations. Some terms should be staggered to promote continuity and stability. Program staff must attend policy council meetings to provide support and/or consultation. The council must include community representatives and parents and guardians of current and past enrolled children. At least fifty percent of council positions must be held by parents of currently enrolled children. Membership must be:

(i) Proportionate to the relative funded enrollment level of the early childhood education and assistance program in joint policy councils;

(ii) Comprised of volunteers or representatives elected to serve by parents and guardians of currently enrolled children;

(iii) Approved by parent members if holding a community representative position; and

(iv) Limited to three consecutive years for parent membership.

**WSR 99-19-006****EMERGENCY RULES****TRANSPORTATION IMPROVEMENT BOARD**

[Filed September 3, 1999, 4:06 p.m.]

Date of Adoption: September 3, 1999.

Purpose: The emergency rules shown below are being revised to update current language and provide needed language to reflect the current procedures of the TIB programs. Changes were also made due to the passage of SHB 1588, which consolidated several TIB accounts.

Citation of Existing Rules Affected by this Order: Repealing WAC 479-02-020, 479-02-030, 479-12-020, 479-13-010, 479-13-011, 479-13-025, 479-13-070, 479-16-010, 479-16-015, 479-16-016, 479-16-020, 479-16-030, 479-16-035, 479-16-040, 479-16-045, 479-16-050, 479-16-060, 479-16-080, 479-16-085, 479-16-098, 479-20-007, 479-20-010, 479-20-011, 479-20-013, 479-20-016, 479-20-025, 479-20-027, 479-20-031, 479-20-037, 479-20-086, 479-20-089, 479-20-095, 479-112-001, 479-112-003, 479-112-0055, 479-112-007, 479-112-008, 479-112-009, 479-112-010, 479-112-017, 479-112-018, 479-112-020, 479-310-010, 479-310-050, 479-310-100, 479-310-150, 479-310-200, 479-312-010, 479-312-050, 479-312-100, 479-312-150, 479-312-200, 479-312-250, 479-312-300, 479-316-010, 479-316-050, 479-316-100, 479-316-200, 479-316-250, 479-316-300, 479-320-050, 479-320-100, 479-320-150, 479-320-200, 479-410-010, 479-410-020, 479-410-100, 479-410-150, 479-410-160, 479-410-170, 479-410-180, 479-410-200, 479-412-020, 479-412-100, 479-412-150, 479-412-200, 479-412-250, 479-412-300, 479-412-310, 479-416-010, 479-416-015, 479-416-016, 479-416-018, 479-416-020, 479-416-030, 479-416-035, 479-416-040, 479-416-045, and 479-416-050; and amending WAC 479-01-010, 479-01-040, 479-02-010, 479-02-050, 479-02-060, 479-02-110, 479-12-005, 479-12-008, and 479-12-010.

Statutory Authority for Adoption: Chapters 47.26 and 47.66 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: These emergency rules are necessary in order to allow agencies to submit project applications for fiscal year 2000, which are due September 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 78, Amended 9, Repealed 112.

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 78, Amended 9, Repealed 112.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 78, Amended 9, Repealed 112.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 1999

Jerry M. Fay

Executive Director

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 99-19-007****EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 99-148—Filed September 3, 1999, 4:16 p.m.]

Date of Adoption: September 3, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000A; 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 coastal salmon fishing consistent with recommendations of the Pacific Fisheries Management Council. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

**WAC 220-56-19000B Coastal salmon seasons.** Notwithstanding the provisions of WAC 220-56-190, effective immediately 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 2-1 east of the Buoy 8 line - Open until further notice. Daily limit of 6 salmon no more than 2 may be adults, except release wild coho. Single point barbless hooks required.

(4) Area 2-2 west of the Buoy 13 line - Closed until further notice.

(5) Area 3 - Open until further notice. Daily limit 2 salmon except release wild coho.

(6) Area 4 - Open until further notice. Daily limit 2 salmon except release chinook and wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000A Coastal salmon seasons. (99-137)

**WSR 99-19-008  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-147—Filed September 3, 1999, 4:19 p.m.]

Date of Adoption: September 3, 1999.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-20500D; and amending WAC 220-56-205.

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 will prevent snagging of salmon in this area. It will reduce angler confusion as this restriction is currently stated in the sport fish pamphlet. 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 1999

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

**WAC 220-56-20500D Nonbuoyant lures and night closures.** Notwithstanding the provisions of WAC 220-56-205, effective immediately through October 15, 1999, nonbuoyant lure and night restriction is in place in the mainstem Columbia River between Bonneville Dam and the Dalles Dam

REPEALER

The following section of the Washington Administrative Code is repealed 12:01 a.m., October 16, 1999:

WAC 220-56-20500D Nonbuoyant lures and night closures.

**WSR 99-19-009  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-146—Filed September 3, 1999, 4:22 p.m., effective September 5, 1999, 12:01 a.m.]

Date of Adoption: September 3, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-601.

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: Open periods and other restrictions contained in this order were agreed for the management of coho salmon during the PFMC/North of Falcon process, with the final agreements being reached at the April

9, 1999, meeting of the PFMC in Sacramento, California. These seasons were defined in a package of permanent regulations that was filed under the expedited rule-making process after the conclusion of the PFMC meetings. However, before the package of permanent rules could take effect, one rule change, that affected the conduct of the Fraser Panel sockeye fishery, was challenged and has delayed the rest of the package of commercial rules from taking effect. The coho salmon management period is beginning, and there is insufficient time to adopt new permanent rules for the conduct of these fisheries, which are not being challenged.

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 5, 1999, 12:01 a.m.

September 3, 1999

Evan Jacoby  
for Jeff P. Koenings  
Director

## NEW SECTION

**WAC 220-47-601 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 5, 1999 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods, mesh, area, and species restrictions:

**Area 6D** Open to skiff gillnets only using 5 inch minimum and 5 1/2 inch maximum mesh from 7:00 am to 7:00 pm on the following dates: 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22.

It is unlawful to retain chinook, or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish. Area 6D is closed to commercial salmon fishing within 1/4 mile of each mouth of the Dungeness River.

**Area 7** Open for reef nets from 7:00 am to 7:00 pm daily beginning Sunday, September 26, through Saturday, Novem-

ber 13. It is unlawful to retain chinook salmon. Chum salmon caught prior to October 1 must be released immediately.

**Area 7B** Open to gillnets using 5 inch minimum and 5 1/2 inch maximum mesh and to purse seines using the 5 inch strip during the following periods:

6:00 am Tuesday, September 7 to 4:00 pm Thursday, September 9

6:00 am Monday, September 13 to 4:00 pm Wednesday, September 15

6:00 am Sunday, September 19 to 4:00 pm Saturday, October 23.

**Area 8A** Open to purse seines using the 5 inch strip from 7:00 am to 7:00 pm Monday, October 11, and open to gillnets using 5 inch minimum mesh from 7:00 am to 8:00 pm Tuesday, October 12.

**Area 8D** Open for gillnets using 5 inch minimum mesh from 6:00 pm to 8:00 am nightly on the following dates: 9/20, 9/21, 9/22, 9/27, 9/28, 9/29, 10/4, 10/5, 10/6, 10/7, and from 7:00 am to 8:00 pm daily: 10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2; and open for purse seines using the 5 inch strip from 7:00 am to 7:00 pm daily 9/21, 9/22, 9/23, 9/28, 9/29, 9/30, 10/4, 10/5, 10/6, 10/7, 10/11, and from 7:00 am to 6:00 pm daily: 10/20, 10/21, 10/25, 10/26, and from 7:00 am to 5:00 pm 11/3, 11/4.

**Area 9A** Open to gillnets using 5 inch minimum mesh from 6:00 am Sunday, September 19 until 4:00 pm Saturday, October 30.

It is unlawful to retain chinook salmon taken with purse seine gear.

Nightly gillnet openings refer to the start date.

Areas 4B, 5, 6, 6A, 6B, 6C, 7A, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 are closed.

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

## REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 p.m. November 4, 1999:

WAC 220-47-601

Puget Sound all-citizen commercial fishery

## WSR 99-19-010 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 99-143—Filed September 3, 1999, 4:24 p.m., effective September 8, 1999, 12:01 a.m.]

Date of Adoption: September 3, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; 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 regulation closes angling in areas where wild steelhead are holding in these rivers. Surveys of these areas revealed very low returns in 1999 and need additional protection. 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 8, 1999, 12:01 a.m.  
September 3, 1999

Evan Jacoby  
for Jeff P. Koenings  
Director

## NEW SECTION

**WAC 232-28-61900S Exceptions to state-wide rules.** Notwithstanding the provisions of WAC 232-28-619:

1. Effective 12:01 a.m. September 8 until further notice, it is unlawful to fish for or possess gamefish in those waters of the Kalama River and tributaries from the Kalama Falls Hatchery upstream.

2. Effective 12:01 a.m. September 8 through December 31, 1999, it is unlawful to fish for or possess gamefish in those waters of the East Fork Lewis River and tributaries from Sunset Falls upstream to the confluence of the Green Fork.

3. Effective 12:01 a.m. September 8 through November 30, 1999, it is unlawful to fish for or possess gamefish in those waters of the Wind River and tributaries from Shipherd Falls upstream.

## REPEALER

The following section of the Washington Administrative Code is hereby repealed effective 12:01 a.m. January 1, 2000:

WAC 232-28-61900S

Regional exceptions to permanent game fish rules.

## WSR 99-19-011 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 99-144—Filed September 3, 1999, 4:27 p.m.]

Date of Adoption: September 3, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100L and 220-32-05100M; 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: Modifies first two tribal fall commercial seasons that were adopted at the August 17, 1999, compact hearing. Adds one day to the fishery that is on going and changes the sanctuary in the second period. These season modifications were proposed by the Columbia River treaty tribes, and is consistent with the 1999 fall management agreement, ESA requirements, and actions of the Columbia River Compact on September 2, 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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 3, 1999  
Evan Jacoby  
for Jeff P. Koenings  
Director

## NEW SECTION

**WAC 220-32-05100M 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: Immediately to 6:00 p.m. September 4, 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: the area within a 150 foot radius of the Spring Creek Hatchery fish ladder is 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 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 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.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100L	Columbia River salmon seasons above Bonneville Dam. (99-133)
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#### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 11, 1999:

WAC 220-32-05100M	Columbia River salmon seasons above Bonneville Dam.
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**WSR 99-19-012  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-145—Filed September 3, 1999, 4:30 p.m., effective September 5, 1999, 12:01 a.m.]

Date of Adoption: September 3, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000L; and amending WAC 220-24-020.

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: A harvestable quota of coho salmon are available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law. 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 5, 1999, 12:01 a.m.

September 3, 1999

Evan Jacoby

for Jeff P. Koenings

Director

### NEW SECTION

**WAC 220-24-02000L Commercial salmon troll.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m. September 5 through 11:59 p.m. September 13, 1999, it is lawful to fish for and possess salmon in those waters of Washington Catch Reporting Areas 2 and 3.

(2) Gear is restricted to all legal troll gear with single point, single shank barbless hooks only. For purposes of this section, "legal troll gear" has the same meaning as "troll fishing gear" in the *Federal Register* [64 FR 24078, May 5, 1999]

(3) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(4) No chinook salmon may be retained. No coho salmon smaller than 16 inches in length may be taken or retained in the fishery provided for herein, except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 13, 1999:

WAC 220-24-02000L Commercial salmon troll

### **WSR 99-19-018**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Order 99-142—Filed September 7, 1999, 11:51 a.m.]

Date of Adoption: September 2, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R; 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: These lakes are scheduled for rehabilitation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 2, 1999

J. P. Koenings

Director

### NEW SECTION

**WAC 232-28-61900R Exceptions to state-wide rules.** Notwithstanding the provisions of WAC 232-28-619:

(1) Silver Lake (Spokane County) effective 12:01 a.m. September 19, through October 24, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(2) North Silver Lake (Spokane County) effective 12:01 a.m. September 19, through October 24, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(3) Marshall Lake (Pend Oreille County) effective 12:01 a.m. September 12, through October 24, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(4) Hatch Lake (Stevens County) effective 12:01 a.m. September 12, through October 24, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(5) Burke Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None.

(6) Herman Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(7) Lyle Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(8) Quincy Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None.

(9) North Teal Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(10) South Teal Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(11) Thread Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 31, 1999:

WAC 232-28-61900R Exceptions to state-wide rules.

**WSR 99-19-037  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-151—Filed September 10, 1999, 4:49 p.m., effective September 10, 1999, 5:00 p.m.]

Date of Adoption: September 10, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-07000X; and amending WAC 220-88A-070.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of spot shrimp in Crustacean Management Regions 1B and 1C is projected to be taken by this date. 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*. These rules will allow for a sharing of catch between treaty and nontreaty shrimp fishers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 10, 1999, 5:00 p.m.

September 10, 1999

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-88A-07000Y Puget Sound shrimp pot fishery—Closes regions 1B and 1C to spot shrimp harvest** Notwithstanding the provisions of WAC 220-88A-070, effective 5:00 p.m. September 10, 1999 until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp immediately until further notice, with the following exceptions:

(a) All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23B, 25A, 26B and 26C, and all waters of Crustacean Management Regions 1B, 1C, and 2 are closed to the harvest of spot shrimp.

(b) All waters of Marine Fish-Shellfish Management and Catch Reporting Area 23A east of a line projected 335

degrees true from the Dungeness lighthouse are closed to the harvest of spot shrimp.

(2) It is unlawful to set or pull shellfish pot gear from one hour after official sunset until one hour before official sunrise.

(3) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds per week from Crustacean Management Regions 4 or 6. The spot shrimp trip limit accounting week is Monday through Sunday.

(4) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day.

(5) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area.

(6) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. September 10, 1999.

WAC 220-88A-07000X Emerging commercial fishery—Puget Sound shrimp pot (99-120)

**WSR 99-19-050  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-150—Filed September 13, 1999, 4:32 p.m., effective September 14, 1999, 12:01 a.m.]

Date of Adoption: September 13, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000X; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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 14, 1999, 12:01 a.m.

September 13, 1999

Evan Jacoby

for Jeff P. Koenings

Director

#### NEW SECTION

**WAC 220-44-05000Y Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 14, 1999 until further notice, it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month or cumulative period, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the cumulative period, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative period. For B-platoon vessels a calendar month shall be the 16th of the month through the 15th of the following month.

b. Cumulative period - Period 4 - August through September.

c. Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Shrimp trawl fishery** - Fishing activity by a vessel equipped with shrimp trawl gear when ocean pink shrimp comprise more than one half the volume of shrimp aboard.

g. **Spot prawn trawl fishery** - Fishing activity by a vessel equipped with shrimp trawl gear when ocean spot prawns comprise more than half the volume of shrimp aboard.

h. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

i. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

j. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - One-month cumulative limit of 4,000 pounds. No minimum size.

b. **Widow rockfish** - Cumulative period limits as follows: Periods 3 and 4 - 11,000 pounds per period. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Cumulative period limits as follows: Period 4 - 35,000 pounds of which no more than 20,000 pounds may be yellowtail rockfish, 14,000 pounds may be canary rockfish, and 10,000 pounds may be *Sebastes* complex species other than yellowtail and canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** -

(1) **Dover sole**, cumulative period limits as follows: Period 4 - 20,000 pounds per period.

(2) **Longspine thornyheads**, cumulative period limits as follows: Period 4 - 8,000 pounds per period.

(3) **Shortspine thornyheads**, cumulative period limits as follows: Period 4 - 2,000 pounds per period.

(4) **Sablefish** -

(a) **Trawl vessels** - Cumulative period limits as follows: Period 4 - 10,000 pounds per period. Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight).. No minimum size. Monthly cumulative limit of 2,100 pounds. Effective noon September 20 through noon September 25, the cumulative limit will be 1,100 pounds (round weight) for non-trawl vessels possessing a federal sablefish endorsement.

This limit may be taken in any number of landings during the 5 - day period.

During this period, the non-trawl sablefish fishery remains closed to limited entry vessels with no sablefish endorsement. Once a vessel has landed its cumulative limit, no more sablefish may be landed by that vessel until the daily trip limit resumes on September 25 at 1200 hours.

g. **Pacific Whiting** - Trip limit of 10,000 pounds. No minimum size.

h. **Lingcod** - Cumulative period limits as follows: Period 4 - 1,000 pounds per period. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any period 2 or 3 cumulative limit.

(a) **Sablefish** - Effective immediately daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,500 pounds.

(b) **Pacific ocean perch** - Cumulative limit of 100 pounds per calendar month.

(c) **Widow rockfish** - Cumulative limit of 8,000 pounds per calendar month.

(d) **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Cumulative limit of 12,000 pounds per calendar month of which no more than 6,500 pounds may be yellowtail rockfish, 3,500 pounds may be black and blue rockfish combined, and 2,000 pounds may be canary rockfish. Cumulative limit of 2,000 pounds per calendar month on *Sebastes* complex other than black, blue, canary and yellowtail rockfish.

(e) **Lingcod** - Cumulative limit of 250 pounds per calendar month.

(f) **Pacific whiting** - Cumulative limit of 100 pounds per calendar month.

(g) **Dover sole** - Cumulative limit of 100 pounds per calendar month.

(h) **Shortspine thornyheads** - Illegal to take, possess, transport or land shortspine thornyheads.

(i) **Longspine thornyheads** - Illegal to take, possess, transport or land longspine thornyheads.

4. Shrimp trawl fishery limits: Limit of 500 pounds of groundfish per day fished not to exceed trip limit of 2,000 pounds of groundfish. Groundfish landings may not exceed 50% of the total weight of species landed from any shrimp trawl trip. Landings may not exceed any single open access species limit with the following exceptions:

(a) **Dover sole** - Trip limit of 2,000 pounds.

(b) **Pacific whiting** - Trip limit of 2,000 pounds.

(c) **Sablefish** - Two-month cumulative limit of 1,800 pounds. Immediately through October 31, 1999. No daily or trip limit.

5. Spot prawn trawl fishery limits: Trip limit of 300 pounds of groundfish, not to exceed any single open access species limit. Groundfish landings (excluding spiny dogfish) may not exceed 50% of the total weight of species landed from any spot prawn trawl trip.

6. Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

7. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

8. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

**Reviser's note:** The typographical 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.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 13, 1999:

WAC 220-44-05000X Coastal bottomfish catch limits. (99-90)

**WSR 99-19-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-152—Filed September 13, 1999, 4:34 p.m., effective September 14, 1999, 12:01 a.m.]

Date of Adoption: September 13, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-16000T; and 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 chinook harvest rate in the lower Columbia River mainstem recreational fishery has been higher than anticipated. The retention of chinook in the recreational fishery below Bonneville was suspended to avoid exceeding the Snake River fall chinook by-catch allowed in the Biological Opinion and in the 1999 Columbia River Management Agreement. 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 14, 1999, 12:01 a.m.

September 13, 1999

Evan Jacoby

for Jeff P. Koenings

Director

#### NEW SECTION

**WAC 220-57-16000U Columbia River.** Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. September 14, 1999 until further notice it is unlawful to retain chinook salmon in those waters of the Columbia River downstream from Bonneville Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 13, 1999:

WAC 220-57-16000T Columbia River. (99-139)

**WSR 99-19-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-149—Filed September 14, 1999, 3:10 p.m., effective September 15, 1999, 6:00 a.m.]

Date of Adoption: September 14, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100N; 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 regulation adds one more week to tribal commercial fishing season. This season was proposed by the Columbia River treaty tribes, and is consistent with the 1999 fall management agreement, ESA requirements, and actions of the Columbia River Compact on September 10, 1999. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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 15, 1999, 6:00 a.m.

September 14, 1999

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-32-05100N 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. September 15 to 6:00 p.m. September 18, 1999

2) Open Areas: SMCRA 1F, 1G, 1H

3) Gear: 8 inch minimum mesh restriction

4) Allowable sale includes: salmon and shad.

5) Spring Creek Hatchery Sanctuary: the area within a 150 foot radius of the Spring Creek Hatchery fish ladder is 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 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 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.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 18, 1999:

WAC 220-32-05100N Columbia River salmon seasons above Bonneville Dam.

**WSR 99-19-060  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-153—Filed September 15, 1999, 11:03 a.m., effective September 24, 1999, 12:01 a.m.]

Date of Adoption: September 15, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-53000B.

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 will allow recreational harvest of hatchery fall chinook and coho salmon, where the season is currently closed for salmon. This rule prohibits harvest of wild chinook and will protect Marion

Drain and Yakima River wild chinook salmon from harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 24, 1999, 12:01 a.m. September 15, 1999

Evan Jacoby  
for Jeff P. Koenings  
Director

**NEW SECTION**

**WAC 220-57-53000B Yakima River.** (1) Effective 12:01 a.m. September 25, 1999 through October 31, 1999 in those waters from the highway 240 bridge to 400 feet below Prosser Dam - Special daily limit of two salmon, 12 inch minimum length, wild chinook salmon release. Only chinook salmon with adipose or ventral fin clips may be retained. Wild coho and hatchery coho salmon may be retained.

(2) Effective 12:01 a.m. November 15, 1999 through December 31, 1999 in those waters from the I-82 Bridge at Union Gap to 400' below Roza Dam - Special daily limit of two salmon, 12 inch minimum length, wild chinook salmon release. Only chinook salmon with adipose or ventral fin clips may be retained. Wild coho and hatchery coho salmon may be retained

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 2000:

WAC 220-57-53000B Yakima River.

**WSR 99-19-061  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-154—Filed September 15, 1999, 11:05 a.m., effective September 15, 1999, 5:01 p.m.]

Date of Adoption: September 15, 1999.  
Purpose: Commercial fishing rules.

EMERGENCY



Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-601.

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: Open periods and other restrictions contained in this order were agreed for the management of coho salmon during the PFMC/North of Falcon process in April 1999, with one exception. These seasons were then filed as permanent regulation proposals under the expedited rule-making process, but before they could take effect, one rule change affecting the Fraser Panel sockeye fishery was challenged. This delayed the rest of the commercial rules from taking effect, so WDFW is refiling the regulation package for a public hearing to be held later in the year. The Puget Sound coho salmon management period has already begun, and there is an emergency that exists in that there is insufficient time to adopt permanent rules for the harvest of coho salmon.

The one exception to the agreed to PFMC/North of Falcon package is the starting date of the Area 6D skiff gill net fishery. Originally, the start date agreed to at North of Falcon was set for September 20, but a different start date, September 21, was established by co-managers in the draft Hood Canal/Strait of Juan de Fuca summer chum plan. Co-managers determined it was critical for coho gill net fisheries to not begin prior to September 21 for protection of listed summer chum (listed under the federal Endangered Species Act). Their intent was to apply this start date to this year's coho fishery. Both the all-citizen skiff gill net fishery and the tribal gill net fishery will open simultaneously on September 21.

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 15, 1999, 5:01 p.m.

September 15, 1999

Evan Jacoby

for Jeff P. Koenings

Director

## NEW SECTION

**WAC 220-47-602 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 5:01 p.m. September 15, 1999 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods, mesh, area, and species restrictions:

**Area 6D** Open to skiff gill nets only using 5 inch minimum and 5 1/2 inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22.

It is unlawful to retain chinook, or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish. Area 6D is closed to commercial salmon fishing within 1/4 mile of each mouth of the Dungeness River.

**Area 7** Open for reef nets from 7:00 am to 7:00 p.m. daily beginning Sunday, September 26, through Saturday, November 13. It is unlawful to retain chinook salmon. Chum salmon caught prior to October 1 must be released immediately.

**Area 7B** Open to gill nets using 5 inch minimum and 5 1/2 inch maximum mesh and to purse seines using the 5 inch strip during the following periods: 6:00 am Sunday, September 19 to 4:00 p.m. Saturday, October 23.

**Area 8A** Open to purse seines using the 5 inch strip from 7:00 a.m. to 7:00 p.m. Monday, October 11, and open to gill nets using 5 inch minimum mesh from 7:00 a.m. to 8:00 p.m. Tuesday, October 12.

**Area 8D** Open for gill nets using 5 inch minimum mesh from 6:00 p.m. to 8:00 a.m. nightly on the following dates: 9/20, 9/21, 9/22, 9/27, 9/28, 9/29, 10/4, 10/5, 10/6, 10/7, and from 7:00 a.m. to 8:00 p.m. daily: 10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2; and open for purse seines using the 5 inch strip from 7:00 a.m. to 7:00 p.m. daily 9/21, 9/22, 9/23, 9/28, 9/29, 9/30, 10/4, 10/5, 10/6, 10/7, 10/11, and from 7:00 a.m. to 6:00 p.m. daily: 10/20, 10/21, 10/25, 10/26, and from 7:00 a.m. to 5:00 p.m. 11/3, 11/4.

**Area 9A** Open to gill nets using 5 inch minimum mesh from 6:00 a.m. Sunday, September 19 until 4:00 p.m. Saturday, October 30.

It is unlawful to retain chinook salmon taken with purse seine gear.

Nightly gill net openings refer to the start date.

Areas 4B, 5, 6, 6A, 6B, 6C, 7A, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 are closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 5:01 p.m. September 15, 1999:

WAC 220-47-601 Puget Sound all-citizen commercial fishery (99-146)

**WSR 99-19-063  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-155—Filed September 15, 1999, 4:44 p.m.]

Date of Adoption: September 15, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R; 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: These lakes are scheduled for rehabilitation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 15, 1999

Evan Jacoby  
for Jeff P. Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900T Exceptions to state-wide rules.** Notwithstanding the provisions of WAC 232-28-619:

(1) Marshall Lake (Pend Oreille County) effective 12:01 a.m. September 12, through October 24, 1999, Daily limit for

game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(2) Hatch Lake (Stevens County) effective 12:01 a.m. September 12, through October 24, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 25, 1999 through December 31, 1999.

(3) Burke Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None.

(4) Herman Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(5) Lyle Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(6) Quincy Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None.

(7) North Teal Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(8) South Teal Lake (Grant County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

(9) Thread Lake (Adams County) effective immediately through September 30, 1999, Daily limit for game fish: None. Minimum size: None. Closed effective 12:01 a.m. October 1, 1999 through December 31, 1999.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900R Exceptions to state-wide rules. (99-142)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 31, 1999:

WAC 232-28-61900T Exceptions to state-wide rules.

**WSR 99-19-064  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-156—Filed September 15, 1999, 4:48 p.m., effective September 16, 1999, 12:01 a.m.]

Date of Adoption: September 15, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000C and 220-56-38000V; and amending WAC 220-56-350 and 220-56-380.

EMERGENCY

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to ensure conservation and/or court ordered sharing of the allowable harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 16, 1999, 12:01 a.m.

September 15, 1999  
Evan Jacoby  
for Jeff P. Koenings  
Director

NEW SECTION

**WAC 220-56-35000D Clams other than razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-350, effective 12:01 a.m. September 16, 1999 until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands except as provided below:

- (1) Potlatch State Park - **Open** until further notice
- (2) Wolfe Property State Park - **Open** until further notice.
- (3) South Indian Island County Park - **Closed** until further notice.

NEW SECTION

**WAC 220-56-38000W Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective 12:01 a.m. September 16, 1999 until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands except as provided below:

- (1) Potlatch State Park - **Open** until further notice
- (2) Wolfe Property State Park - **Open** until further notice.

(3) DNR 46 (east side of Hood Canal) - **Closed** until further notice.

(4) Kitsap Memorial State Park - **Closed** until further notice.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. September 15, 1999:

- WAC 220-56-35000C Clams other than razor clams—Areas and seasons. (99-121)
- WAC 220-56-38000V Oysters—Areas and seasons. (99-121)

**WSR 99-19-083**

**EMERGENCY RULES**

**STATE BOARD OF EDUCATION**

[Filed September 17, 1999, 10:45 a.m.]

Date of Adoption: September 16, 1999.

Purpose: The purpose of the amendment is to bring language into alignment with a recent administrative law judge decision.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-123 Certificates—Previous standards.

Statutory Authority for Adoption: RCW 18A.410.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: See Purpose above.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

September 16, 1999

Larry Davis

Executive Director

EMERGENCY

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-123 Certificates—Previous standards.** (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 180-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsection (7) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the state board of education may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification.

~~((8) Any person whose certificate, subject to expiration and issued under previous standards, has expired shall apply, except as noted under this section, for a new certificate pursuant to WAC 180-79A-124.))~~

**WSR 99-19-092  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-158—Filed September 17, 1999, 4:58 p.m.]

Date of Adoption: September 17, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-602.

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: Open periods and other restrictions contained in this order are consistent with coho salmon management decisions derived from the PFMC/North of Falcon process and the draft Hood Canal/Strait of Juan de Fuca summer chum plan (the summer chum are listed under the federal Endangered Species Act). In Area 7B the tribes have exceeded their chinook allocation, and harvestable numbers of chinook remain in the all-citizen allocation. Therefore, even though we are in the coho management period for Area 7B, the maximum mesh size on gill nets is being rescinded so all-citizen fishers can pursue the remaining harvestable chinook. Purse seines in Area 7B will not be permitted to retain chinook because it was agreed in North of Falcon meetings that purse seines would release chinook in all fishery openings in 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 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 17, 1999

B. J. Bjork

for Jeff P. Koenigs

Director

**NEW SECTION**

**WAC 220-47-603 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods, mesh, area, and species restrictions:

**Area 6D** Open to skiff gill nets only using 5 inch minimum and 5 1/2 inch maximum mesh from 7:00 am to 7:00 pm on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22.

It is unlawful to retain chinook, or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the

meshes ensnaring the fish. Area 6D is closed to commercial salmon fishing within 1/4 mile of each mouth of the Dungeness River.

**Area 7** Open for reef nets from 7:00 am to 7:00 pm daily beginning Sunday, September 26, through Saturday, November 13. It is unlawful to retain chinook salmon. Chum salmon caught prior to October 1 must be released immediately.

**Area 7B** Open to gill nets using 5 inch minimum mesh and to purse seines using the 5 inch strip during the following periods: 6:00 am Sunday, September 19 to 4:00 pm Saturday, October 23.

**Area 8A** Open to purse seines using the 5 inch strip from 7:00 am to 7:00 pm Monday, October 11, and open to gill nets using 5 inch minimum mesh from 7:00 am to 8:00 pm Tuesday, October 12.

**Area 8D** Open for gill nets using 5 inch minimum mesh from 6:00 pm to 8:00 am nightly on the following dates: 9/20, 9/21, 9/22, 9/27, 9/28, 9/29, 10/4, 10/5, 10/6, 10/7, and from 7:00 am to 8:00 pm daily: 10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2; and open for purse seines using the 5 inch strip from 7:00 am to 7:00 pm daily 9/21, 9/22, 9/23, 9/28, 9/29, 9/30, 10/4, 10/5, 10/6, 10/7, 10/11, and from 7:00 am to 6:00 pm daily: 10/20, 10/21, 10/25, 10/26, and from 7:00 am to 5:00 pm 11/3, 11/4.

**Area 9A** Open to gill nets using 5 inch minimum mesh from 6:00 am Sunday, September 19 until 4:00 pm Saturday, October 30.

It is unlawful to retain chinook salmon taken with purse seine gear.

Nightly gill net openings refer to the start date.

Areas 4B, 5, 6, 6A, 6B, 6C, 7A, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 are closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-47-602 Puget Sound all-citizen commercial fishery (99-154)

**WSR 99-19-093  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-157—Filed September 17, 1999, 5:05 p.m., effective September 20, 1999, 7:00 a.m.]

Date of Adoption: September 17, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000T and 220-33-01000U; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available. Season is consistent with the 1999 Management Agreement, ESA requirements and actions of the Columbia River Compact of September 17, 1999. 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 20, 1999, 7:00 a.m.  
September 17, 1999

B. J. Bjork  
for Jeff P. Koenings  
Director

**NEW SECTION**

**WAC 220-33-01000U 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: 1A, 1B, and 1C upstream to the Longview Bridge.

a) SEASON: 7:00 a.m. September 20 to 7:00 p.m. September 20, 1999; 7:00 a.m. September 21 to 7:00 p.m. September 21, 1999; 7:00 a.m. September 22 to 7:00 p.m. September 22, 1999; 7:00 a.m. September 27 to 7:00 p.m. September 27, 1999; 7:00 a.m. September 28 to 7:00 p.m. September 28, 1999; 7:00 a.m. September 29 to 7:00 p.m. September 29, 1999.

b) GEAR: 6 inch maximum unslackend gillnet

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.

EMERGENCY

It is unlawful to sell unprocessed eggs from lower Columbia River sturgeon.

e) Standard River Mouth Sanctuaries are in effect.

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 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 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 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000T Columbia River season below Bonneville. (99-134)

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 28, 1999:

WAC 220-33-01000U Columbia River season below Bonneville.

EMERGENCY

**WSR 99-19-135**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-160—Filed September 21, 1999, 3:50 p.m., effective September 30, 1999, 12:01 a.m.]

Date of Adoption: September 21, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500B; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. 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 30, 1999, 12:01 a.m.  
 September 21, 1999

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 220-56-32500C Personal use Puget Sound shrimp fishery—Exceptions to permanent rules for areas outside Hood Canal—Closes Shrimp District 3** Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310, it is unlawful to fish for shrimp taken for personal use from the following waters of Puget Sound except as provided for in this section:

(1) Effective immediately until further notice it is lawful to harvest shrimp in Marine Areas 8-1, 8-2, 10, and the portion of Marine Area 9 south and east of a line from Foul-weather Bluff to Double Bluff except that:

(a) It is unlawful to set or pull shrimp gear in waters greater than 150 feet.

(b) Spot shrimp must be returned immediately to the water unharmed.

(2) Effective immediately until further notice, is unlawful to harvest or possess any species of shrimp in Shrimp District 1.

(3) Effective 6:00 p.m. September 30, 1999, it is unlawful to harvest or possess any shrimp in Shrimp District 3.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 30, 1999:

WAC 220-56-32500B	Personal use Puget Sound shrimp fishery—Exceptions to permanent rules for areas outside Hood Canal. (99-105)
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**WSR 99-19-136**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-159—Filed September 21, 1999, 3:53 p.m., effective October 1, 1999]

Date of Adoption: September 21, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-040 and 220-52-046.

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 area closures and pot limits in this emergency rule are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp. 1453, 1466, 3.1. Previous year's regulations for state/tribal crab management region 2 West (Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D and a portion of 26A) have not been completely successful in meeting allocation requirements despite major reductions in state commercial season length. The seventy pot limit for this region will help to provide a stable season while meeting the allocation requirements of state/tribal plans and court orders. A recent state/tribal management agreement allows providing a longer season in three specific areas and opening a previously closed portion of Marine Fish-Shellfish Management and Catch Reporting Area 24B.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 1, 1999.

September 21, 1999

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-52-04000N Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. Exceptions to permanent rules.** Notwithstanding the provisions of WAC 220-52-040, effective October 1, 1999 until further notice:

(1) The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits regardless of whether one or two licenses are designated on a vessel:

(a) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier dock.

(b) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(c) A combined total not to exceed 70 pots in the following areas and in any combination: Marine Fish-Shellfish Management and Catch Reporting Areas 25B, the open portion of 25D, and that portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A south and west of a line from Possession Point on Whidbey Island projected 110 degrees true to the shipwreck on the opposite shore.

**NEW SECTION**

**WAC 220-52-04600T Crab fishery—Seasons and areas. Exceptions to Permanent Rules** Notwithstanding the provisions of WAC 220-52-046, effective October 1, 1999 until further notice:

(1) The following areas are closed to commercial crab fishing:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the outermost tip of the abandoned dock at the Three Crabs Restaurant.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25E south of a line from Contractors Point to Tukey Point.

(2) The following areas are closed to commercial crab fishing from October 1 through October 15:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour on Whidbey Island within an area bounded by parallel lines projected 45° true from Sandy Point and the entrance to the marina at Langley.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles north-east of Double Bluff.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

(3) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point are open to commercial crab fishing until further notice.

**WSR 99-19-137**

**EMERGENCY RULES**

**DEPARTMENT OF FISH AND WILDLIFE**

[Order 99-161—Filed September 21, 1999, 3:56 p.m., effective November 1, 1999]

Date of Adoption: September 21, 1999.

Purpose: To adopt WAC 232-16-70000A Swinomish Spit Game Reserve hunting.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-16-70000A; and amending WAC 232-16-700.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule allows additional recreational opportunity and is needed to reduce hunter confusion regarding hunting season dates. 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.

EMERGENCY



Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 1, 1999.

September 21, 1999

J. P. Koenings  
Director

**NEW SECTION**

**WAC 232-16-70000A Swinomish Spit Game Reserve hunting** Notwithstanding the provisions of WAC 232-16-700, effective November 1, 1999 through November 15, 1999 it is lawful to hunt wild animals and wild birds, except for brant, within the following described boundary:

Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (east-northeast); thence 3,300 feet SSE (south-southeast); thence 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 16, 1999:

WAC 232-16-70000A Swinomish Spit Game Reserve hunting

**WSR 99-19-138  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-162—Filed September 21, 1999, 3:58 p.m., effective September 22, 1999, 12:01 a.m.]

Date of Adoption: September 21, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000M; and amending WAC 220-24-020.

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: A harvestable quota of coho salmon are available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law. 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 22, 1999, 12:01 a.m.  
September 21, 1999

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-24-02000M Commercial salmon troll.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m. September 22 through 11:59 p.m. September 30, 1999, it is lawful to fish for and possess salmon in those waters of Washington Catch Reporting Areas 2 and 3.

(2) Gear is restricted to all legal troll gear with single point, single shank barbless hooks only. For purposes of this section, "legal troll gear" has the same meaning as "troll fishing gear" in the *Federal Register* [64 FR 24078, May 5, 1999]

(3) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(4) No chinook salmon may be retained. No coho salmon smaller than 16 inches in length may be taken or retained in the fishery provided for herein, except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

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(5) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1999:

WAC 220-24-02000M Commercial salmon troll

**WSR 99-19-140  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-163—Filed September 21, 1999, 5:05 p.m., effective September 22, 1999, 6:00 a.m.]

Date of Adoption: September 21, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100P; 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: Adds one week to tribal commercial fishing season. This season was proposed by the Columbia River treaty tribes, and is consistent with the 1999 Fall Management Agreement, ESA requirements, and actions of the Columbia River Compact on September 21, 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: September 22, 1999, 6:00 a.m.  
September 21, 1999  
Evan Jacoby  
for Jeff P. Koenings  
Director

NEW SECTION

**WAC 220-32-05100P 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. September 22 to 6:00 p.m. September 25, 1999
- 2) Open Areas: SMCRA 1F, 1G, 1H
- 3) Gear: No Mesh Restriction
- 4) Allowable sale includes: salmon and shad.
- 5) Spring Creek Hatchery Sanctuary: the area within a 150 foot radius of the Spring Creek Hatchery fish ladder is 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

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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 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 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.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 25, 1999:

WAC 220-32-05100P      Columbia River salmon seasons above Bonneville Dam.

EMERGENCY



**WSR 99-19-001**

**NOTICE OF PUBLIC MEETINGS  
SHORELINE COMMUNITY COLLEGE**

[Memorandum—August 31, 1999]

The five members of the board of trustees of Shoreline Community College will meet to hold a retreat on Friday, September 10, from 7:30 a.m. to 6:30 p.m. at the Bell Harbor International Conference Center in Seattle, Washington.

At that time they will consider approval of the official meeting schedule for the board of trustees for the 1999-2000 academic year, including Fall Quarter 1999, Winter Quarter 2000 and Spring Quarter 2000.

If you have additional questions, please contact (206) 546-4552.

**WSR 99-19-002**

**NOTICE OF PUBLIC MEETINGS  
MARINE EMPLOYEES' COMMISSION**

[Memorandum—August 30, 1999]

The Marine Employees' Commission has changed the location of the remainder of its monthly meetings for 1999. Meetings are scheduled to convene at 9:30 a.m. on the following dates:

- September 24, 1999
- October 29, 1999
- December 10, 1999

The new location for these meetings is Vessel Conference Room, Colman Building (3rd Floor), 811 First Avenue, Seattle, WA.

As previously published, a management team meeting will follow the regular meeting in September and December.

For further information: (360) 586-6354 (voice), (360) 586-0820 (fax), mec@olywa.net (e-mail).

**WSR 99-19-004**

**NOTICE OF PUBLIC MEETINGS  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION  
(Salmon Recovery Funding Board)**

[Memorandum—September 1, 1999]

At a special meeting on August 20, 1999, the Salmon Recovery Funding Board adopted the following meeting schedule:

Wednesday, September 15, 1999	Work Session	Seattle
Thursday, September 30, 1999 and Friday, October 1	Regular Meeting	Vancouver

**WSR 99-19-015**

**RULES OF COURT  
STATE SUPREME COURT**

[September 2, 1999]

IN THE MATTER OF THE ADOPTION	)	ORDER
OF THE AMENDMENT TO NEW APR 18	)	NO. 25700-A-662
(PUBLISHED FOR COMMENT AS NEW	)	
APR 17)	)	

The Washington State Bar Association having recommended the adoption of the proposed amendment to New APR 18 (published for comment as New APR 17), and the Court having considered the proposed amendment and comments submitted thereto and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

**ORDERED:**

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and become effective upon publication.

DATED at Olympia, Washington this 2nd day of September, 1999.

Guy, C. J.

_____	_____
Smith, J.	Madsen, J.
_____	_____
Johnson, J.	Sanders, J.
_____	_____
Talmadge, J.	Ireland, J.
_____	_____

**RULES OF COURT**

**APR 18**  
[New Rule]

**ADMISSION OF LAWYERS LICENSED IN OTHER STATES OR TERRITORIES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO PRACTICE LAW IN WASHINGTON**

(a) **Purpose.** This rule prescribes the procedure, conditions and limitations for admission of lawyers from other states or territories of the United States or the District of Columbia, except as provided in rule 3. Lawyers from other states or territories or the District of Columbia will be admitted in Washington pursuant to this rule under procedures and conditions that, in the judgment of the Washington State Supreme Court, are substantially similar to the procedures and conditions under which the other licensing state or territory or the District of Columbia allows the admission of licensed Washington lawyers to their states.

(b) **Qualifications.** Before a lawyer licensed to practice law in another state or territory of the United States or the

MISC.

District of Columbia qualifies for admission to the practice of law in the State of Washington, the lawyer must:

(1) Present satisfactory proof of both admission to the practice of law, together with current good standing, in another state or territory of the United States or the District of Columbia, and active legal experience as a lawyer or counselor at law at the time of the application;

(2) Possess the good moral character and fitness requisite for a member of the Bar of the State of Washington;

(3) Execute under oath and file with the Bar Association two copies of an application in such form as may be required by the Board of Governors; and

(4) File with the application a certificate from the authority in such other state or territory or the District of Columbia having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent; and

(5) Provide with the application such other evidence of the applicant's educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(6) Establish to the satisfaction of the Board of Governors that the state or territory or the District of Columbia that licensed the lawyer applicant allows the admission of licensed Washington lawyers under terms and conditions substantially similar to those set forth in these rules, provided that if the state or territory or the District of Columbia that licensed the lawyer applicant requires Washington lawyers to complete or meet other conditions or requirements, the applicant must meet a substantially similar requirement for admission in Washington; and

(7) Pay upon the filing of the application the fee established for such admission which shall be at least equal to that required pursuant to rule 3 (d)(2) to be paid by a lawyer applicant to take the bar examination.

(c) Procedure.

(1) The Board of Governors shall approve or disapprove applications for admission of lawyers admitted to the practice of law in other states or territories of the United States or the District of Columbia. The Board may require additional proof of any facts stated in the application. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicant:

(i) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(ii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members; and

(iii) Filing with the Bar Association in writing his or her address in the State of Washington, together with a statement

that the applicant has read the Rules of Professional Conduct and Rules for Lawyer Discipline, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be admitted to the practice of law in the State of Washington as specified by this rule.

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

WSR 99-19-016
RULES OF COURT
STATE SUPREME COURT

[September 2, 1999]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENT TO NEW ER ) NO. 25700-A-663
1101 (c)(4) )

The Domestic Violence Task Force having recommended the adoption of the proposed amendment to New ER 1101 (c)(4), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption.

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of September, 1999.

Guy, C. J.

Alexander, J.

Smith, J.

Madsen, J.

Johnson, J.

Talmadge, J.

Ireland, J.

New ER 1101 (c)(4)

(c)(4) Applications for domestic violence protection. Protection order proceedings under RCW 26.50 and 10.14. When a judge proposes to consider information from a domestic violence database, the judge shall disclose the information to each party present at the hearing; on timely request, provide each party with an opportunity to be heard; and, take appropriate measures to alleviate litigants' safety concerns. The judge has discretion not to disclose information that he or she does not propose to consider.

MISC.

**WSR 99-19-017**  
**NOTICE OF PUBLIC MEETINGS**  
**CASCADIA COMMUNITY COLLEGE**  
[Memorandum—August 30, 1999]

The regular meeting of the Cascadia Community College board of trustees scheduled for Monday, September 13, 1999, has been cancelled. A special meeting of the board of trustees will be held on Tuesday, September 21, 1999, 6:00 p.m. - 9:00 p.m. Location: Cascadia Community College, 19017 120th Avenue N.E., Suite 106, Bothell, WA 98011.

**WSR 99-19-020**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Council of Washington)  
[Memorandum—September 7, 1999]

The Library Council of Washington will be meeting in November 1999. The date and location are as follows:

DATE: November 2, 1999  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Pierce County Library  
3005 112th Street East  
Tacoma, WA 98446-2215

For additional information, please contact Rebecca Jensen by telephone at (360) 704-5246 or by e-mail at [rjensen@statelib.wa.gov](mailto:rjensen@statelib.wa.gov).

**WSR 99-19-021**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Council of Washington)  
[Memorandum—September 7, 1999]

The Library Council of Washington year 2000 meetings will be:

DATE: January 12, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Arnold Library, Fred Hutchinson Cancer Research Center  
1100 Fairview Avenue North  
Seattle, WA 98109-1024

DATE: March 7, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Highline Community College Library  
South 240th and Pacific Highway South  
Des Moines, WA 98198-9800

DATE: May 2, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: McCleary City Council Chambers  
100 South Third Street  
McCleary, WA 98557

DATE: August 1, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Ballard High School Library  
1418 Northwest 65th  
Seattle, WA 98117

DATE: September 13, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Lummi Library  
2520 Kwina Road  
Bellingham, WA 98226-9217

DATE: November 7, 2000  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: To be determined

For additional information, please contact Rebecca Jensen by telephone at (360) 704-5246 or by e-mail at [rjensen@statelib.wa.gov](mailto:rjensen@statelib.wa.gov).

**WSR 99-19-025**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Council of Washington)  
[Memorandum—September 8, 1999]

Please let this notice serve as a correction to the previous notices dated July 15, 1999, and September 7, 1999.

The Library Council of Washington will be meeting in November 1999. The date and location are as follows:

DATE: November 2, 1999  
TIME: 9:30 a.m. - 3:30 p.m.  
SUBJECT: Library Council of Washington meeting  
LOCATION: Pierce County Library  
Conference Room A  
3005 112th Street East  
Tacoma, WA 98446-2215

For additional information, please contact Rebecca Jensen by telephone at (360) 704-5246 or by e-mail at [rjensen@statelib.wa.gov](mailto:rjensen@statelib.wa.gov).

**WSR 99-19-033****NOTICE OF PUBLIC MEETINGS  
SOUTH PUGET SOUND  
COMMUNITY COLLEGE**

[Memorandum—September 8, 1999]

At their September 2, 1999, regular meeting the South Puget Sound Community College board of trustees changed their October 12, 1999, meeting to October 21, 1999, and their November 10, 1999, meeting to November 18, 1999.

If you have any questions, please contact 754-7711, ext. 202.

**WSR 99-19-035****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**

[Memorandum—September 10, 1999]

**NOTICE OF MEETING  
FOR THE  
NATURAL HERITAGE ADVISORY COUNCIL  
1999**

The Natural Heritage Advisory Council will meet on the following date:

October 13, 1999, 9:30 a.m. to 5:00 p.m. at the Organic Farm House at the Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA.

Regular council business will include consideration of natural area preserve proposals, site proposals for the Registry Program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 99-19-038****RULES COORDINATOR  
DEPARTMENT OF CORRECTIONS**

[Filed September 13, 1999, 9:01 a.m.]

This is to advise you that in accordance with RCW 34.05.312, Ms. Sherri Pardue has been designated as rules coordinator for the Department of Corrections. Her telephone and address are as follows: Sherri Pardue, Department of Corrections, Rules, Contracts, and Public Disclosure, P.O. Box 41114, Olympia, WA 98504-1114, (360) 586-2160.

Joseph D. Lehman  
Secretary

**WSR 99-19-039****NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE  
CONVENTION AND TRADE CENTER**

[Memorandum—September 10, 1999]

**NOTICE OF PUBLIC MEETINGS**

The Washington State Convention and Trade Center (WSCTC) Operating Goals, Measurements and Performance Committee will meet on Wednesday, September 15, 1999, at 10:30 a.m. in the Level 5 Board Room of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, September 15, 1999 at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

**WSR 99-19-056****DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Division of Alcohol and Substance Abuse)**

[Filed September 15, 1999, 9:35 a.m.]

The public is invited to review the Year 2000 Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2000 application will result in approximately \$30.7 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment. The funds awarded will be expended during federal fiscal year 2001 (10/2000 - 9/2001).

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Wes Hamilton, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, e-mail hamilww@dshs.wa.gov.

**WSR 99-19-057****NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE PATROL**

[Memorandum—September 13, 1999]

It is necessary for the Fire Protection Policy Board meeting, scheduled for 9:00 a.m. on Friday, October 22, 1999, to be changed to Thursday, October 21, 1999, beginning at 1:00.



If you have any questions, or require additional information, please contact Ellen Tombleson, Confidential Secretary, at (360) 753-0411.

**WSR 99-19-065**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Red Raspberry Commission)  
 [Memorandum—September 14, 1999]

The Washington Red Raspberry Commission has another meeting to those already scheduled for its board of directors: Wednesday, October 6, 10:30 a.m. Shuksan Golf Club, Bellingham.

**WSR 99-19-077**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Interagency Integrated Pest Management Coordinating Committee)  
 [Memorandum—September 13, 1999]

Pursuant to RCW 17.15.040, please be advised that the Interagency Integrated Pest Management Coordinating Committee (IIPMCC) will hold its second meeting of 1999 on October 20. The meeting will be held at the Washington State Department of Transportation Maintenance Facility Meeting Room, 26620 68th Avenue South, in Kent, from 10:00 a.m. to 1:00 p.m. All meetings of the IIPMCC are open to the public.

During the 1997 regular session of the 55th legislature, SSB 5077 was passed. The bill was signed by Governor Locke and codified as chapter 17.15 RCW. The law affirms that it is the policy of the state of Washington to require all state agencies and institutions of higher education, that have pest responsibilities, to utilize the principles of integrated pest management (IPM). Chapter 17.15 RCW also created the IIPMCC. The IIPMCC meetings allow the members, composed of state agencies and institutions of higher education, to share information and promote interagency coordination.

For future information contact Brad Archbold, (360) 902-1923.

**WSR 99-19-080**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**  
 [Memorandum—September 14, 1999]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a change in the date of a regular meeting.

Original Meeting Date/Location	Time
<b>Wednesday, October 13, 1999</b>	12:30 p.m.
Room A 155 Pierce College at Puyallup 1601 39th Avenue S.E. Puyallup, WA 98374	
<b>New Meeting Date</b>	
<b>Wednesday, October 20, 1999</b>	<b>12:30 p.m.</b>
Same location	

**WSR 99-19-087**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 17, 1999, 2:00 p.m.]

In the effort to migrate all of the Department of Social and Health Services rules into one WAC title, I am requesting that you renumber the rule as follows:

Old WAC Number	New WAC Number
388-15-174	388-165-130

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 99-19-094**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—September 16, 1999]

**Peninsula College Board of Trustees Calendar - Open Public Meetings 2000**

The Peninsula College board of trustees, District 1, Peninsula College, unanimously approved the following calendar in open meeting on September 14, 1999:

January 11	Port Angeles
February 8	Port Angeles
March 14	Port Angeles
April 11	Forks
May 9	Port Townsend
June 13	Port Angeles
July	No meeting
August	No meeting
September 12	Sequim
October 10	Port Angeles
November 14	Port Angeles
December	No meeting

**MISC.**

**WSR 99-19-095**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**

[Memorandum—September 17, 1999]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Shoreline Community College, District Seven, will be held on the third Friday of the month, beginning at 8:00 a.m., and formally commencing at 8:30 a.m., in the Board Room of Administration Building 1000. The board will meet on the following dates for academic year 1999-2000:

Friday, September 17, 1999*	Friday, February 18, 2000
Friday, October 15, 1999*	Friday, March 17, 2000
Friday, November 19, 1999*	Friday, April 21, 2000
Friday, December 17, 1999*	Friday, May 19, 2000
Friday, January 21, 2000	Friday, June 16, 2000

\* These dates have previously been submitted to the Code Reviser's Office.

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

**WSR 99-19-098**  
**ATTORNEY GENERAL'S OFFICE**

[Filed September 20, 1999, 11:05 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 13, 1999. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by October 13, 1999, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 586-4218, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**99-09-01 Request by Senator Mary Margaret Haugen, State Senator on Behalf of Municipal Research Council**

**In view of RCW 39.34.180, may a county refuse to negotiate and enter into an interlocal agreement with a city within the county that desires to utilize the county criminal justice system for prosecution, adjudication, sentencing, and incarceration to adult misdemeanor and gross misdemeanor offenses that occur within the city?**

**WSR 99-19-104**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 20, 1999, 1:34 p.m.]

Before chapter 388-820 WAC please add a heading entitled "Developmental Disabilities Services." In the effort to migrate all of DSHS rules into one WAC title, I am requesting that you renumber the rules as follows:

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

Old WAC Number	New WAC Number
275-25-010	388-850-010
275-25-015	388-850-015
275-25-020	388-850-020
275-25-030	388-850-025
275-25-040	388-850-030
275-25-520	388-850-035
275-25-527	388-850-040
275-25-530	388-850-045
275-25-755	388-850-050
275-26-005	388-820-005
275-26-010	388-820-010
275-26-019	388-820-015
275-26-020	388-820-020
275-26-021	388-820-025
275-26-022	388-820-030
275-26-025	388-820-035
275-26-050	388-820-040
275-26-055	388-820-045
275-26-060	388-820-050
275-26-065	388-820-055
275-26-070	388-820-060
275-26-071	388-820-065
275-26-072	388-820-070
275-26-073	388-820-075
275-26-074	388-820-080
275-26-075	388-820-085
275-26-076	388-820-090

MISC.

Old WAC Number	New WAC Number
275-26-077	388-820-095
275-26-087	388-820-100
275-26-095	388-820-105
275-26-097	388-820-110
275-26-100	388-820-115
275-26-107	388-820-120
275-26-110	388-820-125
275-26-115	388-820-130
275-27-023	388-825-025
275-27-026	388-825-030
275-27-030	388-825-035
275-27-040	388-825-040
275-27-050	388-825-045
275-27-060	388-825-050
275-27-180	388-825-200
275-27-185	388-825-205
275-27-190	388-825-210
275-27-191	388-825-220
275-27-192	388-825-222
275-27-193	388-825-224
275-27-194	388-825-226
275-27-195	388-825-228
275-27-196	388-825-230
275-27-197	388-825-232
275-27-198	388-825-234
275-27-199	388-825-236
275-27-200	388-825-238
275-27-202	388-825-240
275-27-204	388-825-242
275-27-211	388-825-244
275-27-212	388-825-246
275-27-213	388-825-248
275-27-219	388-825-250
275-27-220	388-825-252
275-27-222	388-825-254
275-27-223	388-825-256
275-27-230	388-825-055
275-27-240	388-825-065
275-27-250	388-825-080
275-27-400	388-825-100
275-27-500	388-825-120
275-27-800	388-825-170
275-27-810	388-825-180
275-27-820	388-825-190
275-31-005	388-830-005
275-31-010	388-830-010

Old WAC Number	New WAC Number
275-31-020	388-830-015
275-31-030	388-830-020
275-31-040	388-830-025
275-31-050	388-830-030
275-31-070	388-830-035
275-31-080	388-830-040
275-31-090	388-830-045
275-38-001	388-835-010
275-38-003	388-835-015
275-38-005	388-835-020
275-38-015	388-835-025
275-38-020	388-835-030
275-38-025	388-835-035
275-38-030	388-835-040
275-38-035	388-835-045
275-38-045	388-835-050
275-38-050	388-835-055
275-38-055	388-835-060
275-38-060	388-835-065
275-38-065	388-835-070
275-38-075	388-835-075
275-38-080	388-835-080
275-38-090	388-835-085
275-38-510	388-835-090
275-38-515	388-835-095
275-38-520	388-835-100
275-38-525	388-835-105
275-38-530	388-835-110
275-38-535	388-835-115
275-38-540	388-835-120
275-38-545	388-835-125
275-38-546	388-835-130
275-38-550	388-835-135
275-38-555	388-835-140
275-38-560	388-835-145
275-38-565	388-835-150
275-38-570	388-835-155
275-38-585	388-835-160
275-38-586	388-835-165
275-38-590	388-835-170
275-38-595	388-835-175
275-38-600	388-835-180
275-38-605	388-835-185
275-38-610	388-835-190
275-38-615	388-835-195
275-38-620	388-835-200

MISC.

Old WAC Number	New WAC Number
275-38-625	388-835-205
275-38-645	388-835-210
275-38-650	388-835-215
275-38-655	388-835-220
275-38-660	388-835-225
275-38-665	388-835-230
275-38-667	388-835-235
275-38-670	388-835-240
275-38-675	388-835-245
275-38-678	388-835-250
275-38-680	388-835-255
275-38-685	388-835-260
275-38-690	388-835-265
275-38-695	388-835-270
275-38-700	388-835-275
275-38-705	388-835-280
275-38-706	388-835-285
275-38-715	388-835-290
275-38-720	388-835-295
275-38-725	388-835-300
275-38-745	388-835-305
275-38-750	388-835-310
275-38-760	388-835-315
275-38-765	388-835-320
275-38-770	388-835-325
275-38-775	388-835-330
275-38-780	388-835-335
275-38-785	388-835-340
275-38-790	388-835-345
275-38-795	388-835-350
275-38-800	388-835-355
275-38-805	388-835-360
275-38-810	388-835-365
275-38-812	388-835-370
275-38-813	388-835-375
275-38-815	388-835-380
275-38-820	388-835-385
275-38-831	388-835-390
275-38-835	388-835-395
275-38-840	388-835-400
275-38-845	388-835-405
275-38-846	388-835-410
275-38-850	388-835-415
275-38-860	388-835-420
275-38-863	388-835-425
275-38-865	388-835-430

Old WAC Number	New WAC Number
275-38-868	388-835-435
275-38-869	388-835-440
275-38-870	388-835-445
275-38-875	388-835-450
275-38-880	388-835-455
275-38-885	388-835-460
275-38-886	388-835-465
275-38-887	388-835-470
275-38-888	388-835-475
275-38-889	388-835-480
275-38-890	388-835-485
275-38-892	388-835-490
275-38-895	388-835-495
275-38-900	388-835-500
275-38-903	388-835-505
275-38-906	388-835-510
275-38-910	388-835-515
275-38-915	388-835-520
275-38-920	388-835-525
275-38-925	388-835-530
275-38-930	388-835-535
275-38-935	388-835-540
275-38-940	388-835-545
275-38-945	388-835-550
275-38-950	388-835-555
275-38-955	388-835-560
275-38-960	388-835-565
275-41-005	388-840-005
275-41-010	388-840-010
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275-41-025	388-840-025

**WSR 99-19-110**

**EXECUTIVE ORDER**

**OFFICE OF THE GOVERNOR**

[EO 99-02]

**WORKFORCE DEVELOPMENT**

**WHEREAS**, Washington State has developed a foundation for the innovation and creativity needed to produce a world class economy. Our overall income growth in the past three years is the highest in decades. Washington currently ranks first in the nation in the average salary paid to employees in the high technology industry. Furthermore, a recent study placed our state fourth in the nation in workforce educational attainment for high-tech and other knowledge economy jobs.

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**WHEREAS**, Skill shortages are hampering our state's economic growth. Each year there are 38,000 job openings for workers with postsecondary vocational training, yet our two-year colleges, private career schools, and apprenticeship programs produce only about 19,000 such graduates per year. In addition, while the software industry estimates that it will need 60,000 more workers in the next three years, tens of thousands of jobs are already going unfilled.

**WHEREAS**, Lack of skill or education significantly limits an individual's earning capacity. The prosperity of families in Washington is largely dependent upon their ability to retain employment in our rapidly changing economy and to move quickly and efficiently in a dynamic labor market.

**WHEREAS**, All of our workers have not shared equally in the benefits of the recent economic boom, particularly in rural areas of Washington. A skilled workforce is often the most important asset that entrepreneurs seek when they make location decisions. Retraining skilled workers in rural areas could help spread some of the state's wealth which is now concentrated in central Puget Sound.

**WHEREAS**, Many hardworking citizens who have lost their jobs in traditional industries, such as timber, aerospace, and fishing, have been unable to gain the skills needed to find work in the rapidly growing sectors of our economy and, as a result, have fallen behind economically.

**WHEREAS**, Unemployment has reached peacetime lows in Washington State. Disadvantaged youth, persons with disabilities, new immigrants, WorkFirst participants, and other citizens are obtaining jobs. In order to enable these individuals to move out of poverty, we must ensure their access to employment, training, and education that allows them to move up the job ladder during their lifetimes.

**WHEREAS**, Washington State's employers and workers should have access to a customer-oriented network of workforce services based upon the principles of individual choice, flexibility, accountability, and universal access.

**WHEREAS**, Congress passed into law the Workforce Investment Act of 1998 (Public Law No. 105-220) to prepare youth, dislocated workers, and adults for entry into the labor force, and to provide for the planning, implementation, and ongoing oversight of a comprehensive state workforce development system designed to improve workforce training, employment, literacy and vocational rehabilitation;

**NOW, THEREFORE**, I, Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me, hereby direct the following:

1. The Workforce Training and Education Coordinating Board (Workforce Board) shall act as the Workforce Investment Board for the purposes of the federal Workforce Investment Act of 1998.

2. The Workforce Board shall work in partnership with business, labor, local workforce development councils, and state operating agencies to develop goals, objectives, and strategies to address the following challenges:

A) Close the gap between the need of employers for skilled workers and the supply of Washington residents prepared to meet that need.

B) Enable workers to make smooth transitions so they may fully benefit from the new, changing economy. The board shall develop a coherent dislocated worker strategy that includes incumbent worker training.

C) Assist disadvantaged youth, persons with disabilities, new labor market entrants, recent immigrants, and low-wage workers in moving up the job ladder during their lifetimes by developing a wage progression strategy for low-income workers. Specific progress should be made in improving operating agencies and reducing the earnings gap facing people of color, adults with disabilities, and women.

3. In addition to the duties spelled out in RCW 28C.18, the Workforce Board, in partnership with the operating agencies and private career schools and colleges, shall:

A) Develop and maintain a state unified plan as described under P.L. 105-220. The purpose of the unified plan is to promote universal access to employment and training programs, and simplify them so that state employment and training customers can better obtain these services. The Workforce Board shall utilize the unified planning process to better integrate federal and state employment and training programs. The unified plan shall encompass the strategic comprehensive plan described in RCW 28C.18, as well as the operating plans developed by the administering agencies that are consistent with the strategic plan. The strategic plan shall include:

- assessments of our state's employment opportunities and skills needs, the present and future workforce, and the current workforce development system;
- goals and strategies for improving the workforce development system;
- a description of the performance management system for workforce development; and
- goals, objectives and strategies to address the challenges articulated in section 2 of this order.

B) Work in partnership with local workforce development councils to develop the state unified plan. Local workforce development councils shall provide input to the Workforce Board in developing the state unified plan, which will thereby articulate their local strategies and needs.

C) Review and make recommendations to the Governor concerning the operating plans of the agencies that administer the programs of the state workforce development system to ensure consistency with the state strategic comprehensive plan.

D) Design and implement a performance management system for workforce development, including the evaluation and data responsibilities described in RCW 28C.18 and the performance accountability system described in P.L. 105-220, in partnership with the operating agencies and local workforce development councils. The system shall build upon the policies, processes, and interagency agreements that embody the state's existing Performance Management for Continuous

Improvement system, which clearly define the roles and responsibilities of our state's policy board, governing agency, and local institution. The system shall:

- include standards for measuring and reporting the performance of local training providers to enable consumers to make informed choices and gain access to services they need;
- include criteria for eligible training providers under P.L. 105-220 and standards for measuring and reporting eligible provider performance and cost information;
- serve as the basis for recommendations to the Governor regarding expected performance levels using the performance management system established under this section;
- provide information to the Governor and Legislature on the outcomes of workforce development programs;
- measure and report information to the Governor and Legislature concerning the extent of employer participation and satisfaction with employment and training services; and
- measure and report to the Governor and Legislature the progress made in meeting the three goals defined in section 2.

E) Assess the workforce development system using the performance measurement system established in subsection (D) of this section. Operating agencies shall establish and implement rewards for exceptional programs and corrective actions for programs failing to meet minimum performance standards as defined in subsection (D) of this section.

F) Establish an incentive fund for workforce development and recommend to the Governor criteria for rewarding local workforce development councils and programs that produce exemplary results.

G) Review the plans of local workforce development councils for consistency with the state unified plan and recommend to the Governor whether or not local plans should be approved. The Workforce Board shall provide technical assistance to local workforce development councils as necessary.

4. In order to meet the goals prescribed in this order, the Director of the Department of Social and Health Services and a representative of local elected officials shall participate in the activities of the Workforce Board. The board shall work on a consensus basis to give these individuals a voice in decision-making and can bring additional parties to the table as needed to ensure broad-based participation.

5. The following programs shall be added to the state's unified planning effort and associated performance management system:

- programs funded under Title 1B of P.L. 105 (the successor of the Job Training Partnership Act);
- activities funded under the federal Wagner-Peyser Act;
- the job skills program, timber retraining benefits, or any successor program;

- work-related components of the vocational rehabilitation program authorized under Title IV of P.L. 105-220;
- programs offered by private and public nonprofit training and education organizations, including those that serve persons with disabilities, are representative of communities or significant segments of communities, and provide job training or work-related adult literacy services; and
- the state's one-stop system for employment-related services, WorkSource.

6. The Workforce Board will work with the State Board for Community and Technical Colleges, the Department of Labor and Industries, local workforce development councils, and other operating agencies to expand apprenticeship, customized training, and skill standards-based training programs.

7. There shall be created in each workforce investment area, as currently configured under the Job Training Partnership Act, a local workforce development council to carry out functions including, but not limited to, those specified for local workforce investment boards under P.L. 105-220. Local workforce development councils shall:

A) Provide input to the state Workforce Board in the development of the state unified plan, which will thereby articulate their local strategies and needs.

B) In partnership with local elected officials, develop and maintain a local unified plan for the workforce development system including, but not limited to, the local plan required by P.L. 105-220, Title I. The unified plan shall include a strategic plan that assesses local employment opportunities and skill needs; the present and future workforce; the current workforce development system; information on financial resources, goals, objectives, and strategies for the local workforce development system; and a system-wide financial strategy for implementing the plan. The unified plan shall also include the operating plan for PL. 105-220, Title 1B and, as they are developed, other program operating plans that are consistent with the local strategic plan. The local and state plans shall be consistent. Local workforce development councils shall submit their operating plans to the Employment Security Department for review and shall submit unified plans to the Workforce Board for review and to the Governor for approval.

C) Conduct oversight of the local one-stop system pursuant to P.L. 105-220, including selection, certification, and decertification of one-stop providers.

D) Promote the coordination of workforce development activities at the local level and ensure a link with local economic development strategies.

E) Develop portions of the local plan relating to eligible youth, as well as implement and administer youth programs in accordance with P.L. 105-220.

F) Provide for a coordinated and responsive system of outreach to employers.

G) Identify eligible providers of training services funded under Title I of the Workforce Investment Act, consistent with the performance standards established by the Workforce Board.

H) Negotiate expected local levels of performance for programs under P.L. 105-220, Title I with local elected officials and the Workforce Board on behalf of the Governor as required under this law.

I) Assess the planning process to identify quality improvements.

J) Execute a master partnership agreement with local elected officials that establishes the working relationships and specifies responsibilities of each body in the partnership.

K) Collaborate in the development of the WorkFirst service area plans required under RCW 74.08A.280, and include the workforce development components of the WorkFirst service area plan in the local unified plan.

8) The Department of Employment Security, in collaboration with the Executive Policy Council, is directed to assume the administrative lead for Workforce Investment Act Title I-B and employment statistics, and complete implementation of the WorkSource service delivery system, including the technological and self-service infrastructures.

9) The Workforce Board shall assume the responsibilities of the state job training coordinating council authorized under the Job Training Partnership Act.

10) The Workforce Board shall be designated as the state board of vocational education as provided for in P.L. 105-332, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law. For the purposes of P.L. 105-332, the Superintendent of Public Instruction shall have operating responsibility for secondary education and the State Board for Community and Technical Colleges shall have operating responsibility for postsecondary vocational and technical education.

11) This Order shall take effect immediately.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, on this 17th day of September, A.D., nineteen hundred and ninety-nine.

Gary Locke

Governor of Washington

**BY THE GOVERNOR:**

Ralph Munro

Secretary of State

**WSR 99-19-111**

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—September 21, 1999]

EASTERN WASHINGTON UNIVERSITY  
BOARD OF TRUSTEES  
September 24, 1999, 10:00 a.m.  
Cheney Campus  
PUB 263-265

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-2371.

**WSR 99-19-146**

**NOTICE OF PUBLIC MEETINGS  
THE EVERGREEN STATE COLLEGE**

[Memorandum—September 20, 1999]

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 2000 in Room 3112 of the Daniel J. Evans Library Building on The Evergreen State College campus.

Wednesday, January 12, 2000	@	9:00 a.m.
Wednesday, March 8, 2000	@	9:00 a.m.
Wednesday, May 10, 2000	@	9:00 a.m.
Thursday, June 8, 2000	@	9:00 a.m.
Wednesday, July 12, 2000	@	9:00 a.m.
Thursday, September 14, 2000	@	1:30 p.m.
Wednesday, November 8, 2000	@	9:00 a.m.

**WSR 99-19-149**

**NOTICE OF PUBLIC MEETINGS  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Memorandum—September 21, 1999]

The November 10, 1999, Workforce Training and Education Coordinating Board meeting will be held at the Association of Washington Business in Olympia. There will also be a December 14, 1999, meeting from 8:30 a.m. to 4:30 p.m. to be held at the State Investment Board in Olympia.

If you have any questions, please call (360) 753-5677.

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.

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4- 25-740	REP	99-18-114	10- 04-050	AMD-P	99-17-107	16- 05-025	REP	99-08-039
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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
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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
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16-21-070	REP	99-16-086	16-22-070	REP-XR	99-12-122	16-30-010	AMD-XA	99-07-115
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16-54-010	AMD	99-09-023	16-88-010	REP-XR	99-07-114	16-124-120	REP-XR	99-13-175
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16-54-016	REP	99-09-023	16-88-020	REP-XR	99-07-114	16-124-130	REP-XR	99-13-175
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16-54-020	AMD-P	99-03-084	16-88-030	REP-XR	99-07-114	16-124-140	REP-XR	99-13-175
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
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16-54-071	AMD	99-09-023	16-89-010	NEW	99-09-026	16-124-170	REP	99-18-031
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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
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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
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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
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16-59-070	REP	99-09-024	16-89-120	NEW	99-09-026	16-125-080	REP	99-18-032
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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
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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
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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
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16-86-093	REP	99-09-025	16-124-090	REP	99-18-031	16-142-100	NEW-P	99-09-095
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16-142-120	NEW-P	99-09-095	16-167-020	AMD	99-12-020	16-228-117	REP-XA	99-15-033
16-142-120	NEW	99-13-048	16-167-030	AMD-P	99-07-117	16-228-120	REP-XA	99-15-033
16-142-130	NEW-P	99-09-095	16-167-030	AMD	99-12-020	16-228-1200	NEW-XA	99-15-033
16-142-130	NEW	99-13-048	16-167-040	AMD-P	99-07-117	16-228-1220	NEW-XA	99-15-033
16-142-140	NEW-P	99-09-095	16-167-040	AMD	99-12-020	16-228-1230	NEW-XA	99-15-033
16-142-140	NEW	99-13-048	16-167-050	AMD-P	99-07-117	16-228-1240	NEW-XA	99-15-033
16-142-150	NEW-P	99-09-095	16-167-050	AMD	99-12-020	16-228-125	REP-XA	99-15-033
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16-142-160	NEW-P	99-09-095	16-200	PREP	99-12-101	16-228-1260	NEW-XA	99-15-033
16-142-160	NEW	99-13-048	16-200-695	AMD-P	99-04-093	16-228-1270	NEW-XA	99-15-033
16-142-170	NEW-P	99-09-095	16-200-695	AMD	99-08-037	16-228-130	REP-XA	99-15-033
16-142-170	NEW	99-13-048	16-200-705	AMD-P	99-04-093	16-228-1300	NEW-XA	99-15-033
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16-144-100	REP-XR	99-19-166	16-200-7061	AMD	99-08-037	16-228-1370	NEW-XA	99-15-033
16-144-110	REP-XR	99-19-166	16-200-742	REP-XA	99-15-033	16-228-1380	NEW-XA	99-15-033
16-144-120	REP-XR	99-19-166	16-200-750	AMD-P	99-13-164	16-228-1385	NEW-XA	99-15-033
16-144-130	REP-XR	99-19-166	16-200-750	AMD	99-17-043	16-228-140	REP-XA	99-15-033
16-144-140	REP-XR	99-19-166	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
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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
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16-160-010	AMD	99-16-054	16-200-815	AMD	99-17-043	16-228-1455	NEW-XA	99-15-033
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16-160-020	AMD	99-16-054	16-200-830	AMD	99-17-043	16-228-1500	NEW-XA	99-15-033
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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
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16-160-040	AMD-P	99-13-195	16-212-010	AMD	99-15-082	16-228-157	REP-XA	99-15-033
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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
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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
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16-160-100	AMD	99-16-054	16-218	PREP	99-17-106	16-228-170	REP-XA	99-15-033
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16-160-110	NEW	99-16-054	16-219-016	PREP	99-07-086	16-228-180	REP-XA	99-15-033
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16-228-233	REP-XA	99-15-033	16-231-605	PREP	99-13-162	16-401-020	PREP	99-18-098
16-228-320	REP-XR	99-04-006	16-231-610	PREP	99-13-162	16-401-021	NEW-P	99-07-126
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16-228-330	REP-XR	99-04-006	16-231-615	PREP	99-13-162	16-401-023	AMD-P	99-07-126
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16-228-340	REP-XR	99-04-007	16-231-700	PREP	99-13-162	16-401-025	AMD-P	99-07-126
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16-228-410	REP-XA	99-15-033	16-231-715	PREP	99-13-162	16-401-026	NEW-P	99-07-126
16-228-420	REP-XA	99-15-033	16-231-720	PREP	99-13-162	16-401-026	NEW	99-12-034
16-228-430	REP-XA	99-15-033	16-231-800	PREP	99-13-162	16-401-030	AMD-P	99-07-126
16-228-600	REP-XA	99-15-033	16-231-805	PREP	99-13-162	16-401-030	AMD	99-12-034
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	16-231-840	PREP	99-13-162	16-401-041	NEW	99-12-034
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
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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

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16-451-050	REP-XR	99-08-112	16-470-911	NEW	99-12-035	16-752-140	REP	99-11-087
16-451-050	REP	99-17-001	16-470-911	AMD-XA	99-18-104	16-752-145	REP-XR	99-07-124
16-451-060	REP-XR	99-08-112	16-470-915	PREP	99-03-096	16-752-145	REP	99-11-087
16-451-060	REP	99-17-001	16-470-915	AMD-P	99-07-125	16-752-146	REP-XR	99-07-124
16-451-070	REP-XR	99-08-112	16-470-915	AMD	99-12-035	16-752-146	REP	99-11-087
16-451-070	REP	99-17-001	16-470-915	REP-XR	99-18-097	16-752-147	REP-XR	99-07-124
16-458	AMD-XA	99-08-113	16-470-916	NEW-P	99-07-125	16-752-147	REP	99-11-087
16-458	AMD	99-17-002	16-470-916	NEW	99-12-035	16-752-150	REP-XR	99-07-124
16-458-004	REP-XA	99-08-113	16-470-920	PREP	99-03-096	16-752-150	REP	99-11-087
16-458-004	REP	99-17-002	16-470-920	AMD-P	99-07-125	16-752-155	REP-XR	99-07-124
16-458-075	AMD-XA	99-08-113	16-470-920	AMD	99-12-035	16-752-155	REP	99-11-087
16-458-075	AMD	99-17-002	16-470-920	REP-XR	99-18-097	16-752-160	REP-XR	99-07-124
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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
16-460-040	REP	99-17-001	16-545-040	NEW	99-02-064	25-12-030	REP-W	99-16-074
16-460-080	REP-XR	99-08-112	16-545-041	NEW	99-02-064	25-12-040	REP-P	99-03-098
16-460-080	REP	99-17-001	16-545-050	NEW	99-02-064	25-12-040	REP-W	99-16-074
16-460-100	REP-XR	99-08-112	16-545-080	NEW	99-02-064	25-12-050	REP-P	99-03-098
16-460-100	REP	99-17-001	16-561-010	AMD-P	99-07-108	25-12-050	REP-W	99-16-074
16-461	PREP	99-03-108	16-561-010	AMD-C	99-11-024	25-12-060	REP-P	99-03-098
16-461-010	AMD-P	99-11-096	16-561-010	AMD-C	99-12-013	25-12-060	REP-W	99-16-074
16-461-010	AMD	99-14-036	16-561-010	AMD-W	99-13-142	25-12-070	REP-P	99-03-098
16-462	PREP	99-03-094	16-561-130	NEW-P	99-07-108	25-12-070	REP-W	99-16-074
16-462	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-XA	99-07-127	16-561-130	NEW-C	99-12-013	25-12-110	NEW-W	99-16-074
16-462-010	AMD	99-12-025	16-561-130	NEW-W	99-13-142	25-12-120	NEW-P	99-03-098
16-462-015	AMD-XA	99-07-127	16-561-130	NEW-P	99-06-070	25-12-120	NEW-W	99-16-074
16-462-015	AMD	99-12-025	16-575-015	NEW-P	99-12-104	25-12-130	NEW-P	99-03-098
16-462-020	AMD-XA	99-07-127	16-575-015	NEW	99-12-104	25-12-130	NEW-W	99-16-074
16-462-020	AMD	99-12-025	16-604-010	REP	99-04-069	25-12-140	NEW-P	99-03-098
16-462-021	NEW-XA	99-07-127	16-607-150	NEW-P	99-16-100	25-12-140	NEW-W	99-16-074
16-462-021	NEW	99-12-025	16-607-155	NEW-P	99-16-100	25-12-150	NEW-P	99-03-098
16-462-022	NEW-XA	99-07-127	16-607-160	NEW-P	99-16-100	25-12-150	NEW-W	99-16-074
16-462-022	NEW	99-12-025	16-607-165	NEW-P	99-16-100	25-12-160	NEW-P	99-03-098
16-462-025	AMD-XA	99-07-127	16-607-170	NEW-P	99-16-100	25-12-160	NEW-W	99-16-074
16-462-025	AMD	99-12-025	16-645-005	NEW-P	99-02-066	25-12-170	NEW-P	99-03-098
16-462-030	AMD-XA	99-07-127	16-645-005	NEW	99-06-072	25-12-170	NEW-W	99-16-074
16-462-030	AMD	99-12-025	16-645-010	NEW-P	99-02-066	25-12-180	NEW-P	99-03-098
16-462-035	AMD-XA	99-07-127	16-645-010	NEW	99-06-072	25-12-180	NEW-W	99-16-074
16-462-035	AMD	99-12-025	16-662-105	AMD-P	99-04-111	36-12	PREP	99-12-103
16-462-045	REP-XA	99-07-127	16-662-105	AMD	99-07-056	36-12-364	NEW-P	99-13-127
16-462-045	REP	99-12-025	16-662-110	AMD-P	99-04-111	36-12-364	NEW	99-17-048
16-462-050	AMD-XA	99-07-127	16-662-110	AMD	99-07-056	36-14-100	NEW-P	99-13-127
16-462-050	AMD	99-12-025	16-720	PREP	99-13-178	36-14-100	NEW	99-17-048
16-462-055	AMD-XA	99-07-127	16-720	PREP	99-16-089	44-10	PREP	99-15-079
16-462-055	AMD	99-12-025	16-750	PREP	99-13-039	44-10-010	AMD-P	99-19-109
16-462-060	REP-XA	99-07-127	16-752	PREP	99-07-123	44-10-170	AMD-P	99-19-109
16-462-060	REP	99-12-025	16-752	PREP	99-17-104	44-10-200	AMD-P	99-19-109
16-470	PREP	99-03-092	16-752	PREP	99-17-105	50-16-020	REP-XR	99-04-073
16-470-900	PREP	99-03-096	16-752-115	REP-XR	99-07-124	50-16-020	REP	99-08-123
16-470-900	AMD-P	99-07-125	16-752-115	REP	99-11-087	50-16-025	REP-XR	99-04-073
16-470-900	AMD	99-12-035	16-752-120	REP-XR	99-07-124	50-16-025	REP	99-08-123
16-470-905	PREP	99-03-096	16-752-120	REP	99-11-087	50-16-030	REP-XR	99-04-073
16-470-905	AMD-P	99-07-125	16-752-125	REP-XR	99-07-124	50-16-030	REP	99-08-123
16-470-905	AMD	99-12-035	16-752-125	REP	99-11-087	50-16-035	REP-XR	99-04-073
16-470-910	PREP	99-03-096	16-752-130	REP-XR	99-07-124	50-16-035	REP	99-08-123
16-470-910	AMD-P	99-07-125	16-752-130	REP	99-11-087	50-16-040	REP-XR	99-04-073
16-470-910	AMD	99-12-035	16-752-135	REP-XR	99-07-124	50-16-040	REP	99-08-123
16-470-910	REP-XR	99-18-097	16-752-135	REP	99-11-087			

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50-16-045	REP	99-08-123	132A-104-015	REP	99-19-150	132A-120-025	REP	99-19-150
50-16-050	REP-XR	99-04-073	132A-104-016	NEW-P	99-10-100	132A-120-026	NEW-P	99-10-100
50-16-050	REP	99-08-123	132A-104-016	NEW	99-15-072	132A-120-026	NEW	99-15-072
50-16-055	REP-XR	99-04-073	132A-104-020	REP-XR	99-16-028	132A-120-030	REP-XR	99-16-028
50-16-055	REP	99-08-123	132A-104-020	REP	99-19-150	132A-120-030	REP	99-19-150
50-16-060	REP-XR	99-04-073	132A-104-021	NEW-P	99-10-100	132A-120-031	NEW-P	99-10-100
50-16-060	REP	99-08-123	132A-104-021	NEW	99-15-072	132A-120-031	NEW	99-15-072
50-16-065	REP-XR	99-04-073	132A-108-010	NEW-P	99-10-100	132A-120-035	REP-XR	99-16-028
50-16-065	REP	99-08-123	132A-108-010	NEW	99-15-072	132A-120-035	REP	99-19-150
50-16-070	REP-XR	99-04-073	132A-108-020	NEW-P	99-10-100	132A-120-036	NEW-P	99-10-100
50-16-070	REP	99-08-123	132A-108-020	NEW	99-15-072	132A-120-036	NEW	99-15-072
50-16-075	REP-XR	99-04-073	132A-108-030	NEW-P	99-10-100	132A-120-040	REP-XR	99-16-028
50-16-075	REP	99-08-123	132A-108-030	NEW	99-15-072	132A-120-040	REP	99-19-150
50-16-080	REP-XR	99-04-073	132A-108-040	NEW-P	99-10-100	132A-120-041	NEW-P	99-10-100
50-16-080	REP	99-08-123	132A-108-040	NEW	99-15-072	132A-120-041	NEW	99-15-072
50-16-085	REP-XR	99-04-073	132A-108-050	NEW-P	99-10-100	132A-120-045	REP-XR	99-16-028
50-16-085	REP	99-08-123	132A-108-050	NEW	99-15-072	132A-120-045	REP	99-19-150
50-16-090	REP-XR	99-04-073	132A-108-060	NEW-P	99-10-100	132A-120-046	NEW-P	99-10-100
50-16-090	REP	99-08-123	132A-108-060	NEW	99-15-072	132A-120-046	NEW	99-15-072
50-16-095	REP-XR	99-04-073	132A-108-070	NEW-P	99-10-100	132A-120-050	REP-XR	99-16-028
50-16-095	REP	99-08-123	132A-108-070	NEW	99-15-072	132A-120-050	REP	99-19-150
50-16-100	REP-XR	99-04-073	132A-108-080	NEW-P	99-10-100	132A-120-051	NEW-P	99-10-100
50-16-100	REP	99-08-123	132A-108-080	NEW	99-15-072	132A-120-051	NEW	99-15-072
50-16-105	REP-XR	99-04-073	132A-108-090	NEW-P	99-10-100	132A-120-055	REP-XR	99-16-028
50-16-105	REP	99-08-123	132A-108-090	NEW	99-15-072	132A-120-055	REP	99-19-150
50-44-037	NEW-P	99-07-131	132A-116-001	NEW-P	99-10-100	132A-120-056	NEW-P	99-10-100
50-44-037	NEW	99-10-024	132A-116-001	NEW	99-15-072	132A-120-056	NEW	99-15-072
50-44-039	NEW-P	99-07-131	132A-116-005	REP-XR	99-16-028	132A-120-060	REP-XR	99-16-028
50-44-039	NEW	99-10-024	132A-116-005	REP	99-19-150	132A-120-060	REP	99-19-150
51-40-23110	REP-E	99-05-030	132A-116-006	NEW-P	99-10-100	132A-120-061	NEW-P	99-10-100
67-55-040	AMD	99-05-005	132A-116-006	NEW	99-15-072	132A-120-061	NEW	99-15-072
67-55-060	AMD	99-05-005	132A-116-010	REP-XR	99-16-028	132A-122-010	REP-XR	99-16-028
67-75-010	AMD	99-05-005	132A-116-010	REP	99-19-150	132A-122-010	REP	99-19-150
67-75-020	AMD	99-05-005	132A-116-011	NEW-P	99-10-100	132A-122-011	NEW-P	99-10-100
67-75-030	AMD	99-05-005	132A-116-011	NEW	99-15-072	132A-122-011	NEW	99-15-072
67-75-040	AMD	99-05-005	132A-116-015	REP-XR	99-16-028	132A-122-020	REP-XR	99-16-028
67-75-042	AMD	99-05-005	132A-116-015	REP	99-19-150	132A-122-020	REP	99-19-150
67-75-044	AMD	99-05-005	132A-116-016	NEW-P	99-10-100	132A-122-021	NEW-P	99-10-100
67-75-050	AMD	99-05-005	132A-116-016	NEW	99-15-072	132A-122-021	NEW	99-15-072
82-50-021	AMD-XA	99-07-128	132A-116-020	REP-XR	99-16-028	132A-122-030	REP-XR	99-16-028
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98-70-010	PREP	99-10-017	132A-116-021	NEW-P	99-10-100	132A-122-040	REP-XR	99-16-028
98-70-010	AMD-P	99-13-137	132A-116-021	NEW	99-15-072	132A-122-040	REP	99-19-150
98-70-010	AMD	99-16-079	132A-116-025	REP-XR	99-16-028	132A-122-050	REP-XR	99-16-028
130-16	PREP	99-08-060	132A-116-025	REP	99-19-150	132A-122-050	REP	99-19-150
131-16-021	PREP	99-09-017	132A-116-026	NEW-P	99-10-100	132A-128-005	REP-XR	99-16-028
131-16-021	AMD-P	99-13-043	132A-116-026	NEW	99-15-072	132A-128-005	REP	99-19-150
131-16-021	AMD-E	99-13-186	132A-116-030	NEW-P	99-10-100	132A-128-010	REP-XR	99-16-028
131-16-021	AMD-P	99-14-019	132A-116-030	NEW	99-15-072	132A-128-010	REP	99-19-150
131-16-021	AMD-P	99-14-052	132A-120	AMD	99-15-072	132A-128-015	REP-XR	99-16-028
131-16-021	AMD-P	99-18-094	132A-120-005	REP-XR	99-16-028	132A-128-015	REP	99-19-150
131-16-021	AMD	99-19-100	132A-120-005	REP	99-19-150	132A-128-020	REP-XR	99-16-028
131-16-450	PREP	99-04-029	132A-120-006	NEW-P	99-10-100	132A-128-020	REP	99-19-150
131-16-450	AMD-E	99-07-057	132A-120-006	NEW	99-15-072	132A-128-025	REP-XR	99-16-028
131-16-450	AMD-P	99-08-013	132A-120-010	REP-XR	99-16-028	132A-128-025	REP	99-19-150
131-16-450	AMD	99-13-013	132A-120-010	REP	99-19-150	132A-128-030	REP-XR	99-16-028
131-28	PREP	99-10-015	132A-120-011	NEW-P	99-10-100	132A-128-030	REP	99-19-150
131-46	PREP	99-08-057	132A-120-011	NEW	99-15-072	132A-128-035	REP-XR	99-16-028
131-46-140	NEW-P	99-14-018	132A-120-015	REP-XR	99-16-028	132A-128-035	REP	99-19-150
131-46-140	NEW-E	99-14-020	132A-120-015	REP	99-19-150	132A-128-040	REP-XR	99-16-028
131-46-140	NEW	99-19-099	132A-120-016	NEW-P	99-10-100	132A-128-040	REP	99-19-150
132A	PREP	99-07-060	132A-120-016	NEW	99-15-072	132A-128-045	REP-XR	99-16-028
132A-104-010	REP-XR	99-16-028	132A-120-020	REP-XR	99-16-028	132A-128-045	REP	99-19-150
132A-104-010	REP	99-19-150	132A-120-020	REP	99-19-150	132A-128-050	REP-XR	99-16-028
132A-104-011	NEW-P	99-10-100	132A-120-021	NEW-P	99-10-100	132A-128-050	REP	99-19-150
132A-104-011	NEW	99-15-072	132A-120-021	NEW	99-15-072	132A-128-060	REP-XR	99-16-028

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>
132A-128-060	REP	99-19-150	132A-156-010	REP	99-19-150	132A-180-025	REP-XR	99-16-028
132A-128-070	REP-XR	99-16-028	132A-156-011	NEW-P	99-10-100	132A-180-025	REP	99-19-150
132A-128-070	REP	99-19-150	132A-156-011	NEW	99-15-072	132A-180-030	REP-XR	99-16-028
132A-128-080	REP-XR	99-16-028	132A-156-015	REP-XR	99-16-028	132A-180-030	REP	99-19-150
132A-128-080	REP	99-19-150	132A-156-015	REP	99-19-150	132A-180-035	REP-XR	99-16-028
132A-128-090	REP-XR	99-16-028	132A-156-016	NEW-P	99-10-100	132A-180-035	REP	99-19-150
132A-128-090	REP	99-19-150	132A-156-016	NEW	99-15-072	132A-180-040	REP-XR	99-16-028
132A-128-100	REP-XR	99-16-028	132A-156-020	REP-XR	99-16-028	132A-180-040	REP	99-19-150
132A-128-100	REP	99-19-150	132A-156-020	REP	99-19-150	132A-276-005	REP-XR	99-16-028
132A-130-010	NEW-P	99-10-100	132A-156-025	REP-XR	99-16-028	132A-276-005	REP	99-19-150
132A-130-010	NEW	99-15-072	132A-156-025	REP	99-19-150	132A-276-010	REP-XR	99-16-028
132A-130-020	NEW-P	99-10-100	132A-156-030	REP-XR	99-16-028	132A-276-010	REP	99-19-150
132A-130-020	NEW	99-15-072	132A-156-030	REP	99-19-150	132A-276-015	REP-XR	99-16-028
132A-130-030	NEW-P	99-10-100	132A-160-005	REP-XR	99-16-028	132A-276-015	REP	99-19-150
132A-130-030	NEW	99-15-072	132A-160-005	REP	99-19-150	132A-276-020	REP-XR	99-16-028
132A-131-010	NEW-P	99-10-100	132A-160-005	REP	99-19-150	132A-276-020	REP	99-19-150
132A-131-010	NEW	99-15-072	132A-160-006	NEW-P	99-10-100	132A-276-025	REP-XR	99-16-028
132A-131-020	NEW-P	99-10-100	132A-160-006	NEW	99-16-029	132A-276-025	REP	99-19-150
132A-131-020	NEW	99-15-072	132A-160-015	REP-XR	99-16-028	132A-276-030	REP-XR	99-16-028
132A-133-020	NEW-P	99-10-100	132A-160-015	REP	99-19-150	132A-276-030	REP	99-19-150
132A-133-020	NEW	99-15-072	132A-160-020	REP-XR	99-16-028	132A-276-031	NEW-P	99-10-100
132A-136-005	REP-XR	99-16-028	132A-160-020	REP	99-19-150	132A-276-031	NEW	99-15-072
132A-136-005	REP	99-19-150	132A-165-005	REP-XR	99-16-028	132A-276-035	REP-XR	99-16-028
132A-136-010	REP-XR	99-16-028	132A-165-005	REP	99-19-150	132A-276-035	REP	99-19-150
132A-136-010	REP	99-19-150	132A-165-015	REP-XR	99-16-028	132A-276-035	REP	99-19-150
132A-136-015	REP-XR	99-16-028	132A-165-015	REP	99-19-150	132A-276-040	REP-XR	99-16-028
132A-136-015	REP	99-19-150	132A-165-025	REP-XR	99-16-028	132A-276-040	REP	99-19-150
132A-136-020	REP-XR	99-16-028	132A-165-025	REP	99-19-150	132A-276-045	AMD-P	99-10-100
132A-136-020	REP	99-19-150	132A-165-035	REP-XR	99-16-028	132A-276-045	AMD	99-15-072
132A-136-025	REP-XR	99-16-028	132A-165-035	REP	99-19-150	132A-276-050	REP-XR	99-16-028
132A-136-025	REP	99-19-150	132A-165-045	REP-XR	99-16-028	132A-276-050	REP	99-19-150
132A-136-030	REP-XR	99-16-028	132A-165-045	REP	99-19-150	132A-276-055	REP-XR	99-16-028
132A-136-030	REP	99-19-150	132A-165-055	REP-XR	99-16-028	132A-276-055	REP	99-19-150
132A-140	AMD	99-15-072	132A-165-055	REP	99-19-150	132A-276-060	REP-XR	99-16-028
132A-140-001	NEW-P	99-10-100	132A-165-065	REP-XR	99-16-028	132A-276-060	REP	99-19-150
132A-140-001	NEW	99-15-072	132A-165-065	REP	99-19-150	132A-276-065	REP-XR	99-16-028
132A-140-005	REP-XR	99-16-028	132A-165-075	REP-XR	99-16-028	132A-276-065	REP	99-19-150
132A-140-005	REP	99-19-150	132A-165-075	REP	99-19-150	132A-276-070	REP-XR	99-16-028
132A-140-006	NEW-P	99-10-100	132A-165-085	REP-XR	99-16-028	132A-276-070	REP	99-19-150
132A-140-006	NEW	99-15-072	132A-165-085	REP	99-19-150	132A-280-005	REP-XR	99-16-028
132A-140-010	REP-XR	99-16-028	132A-168-005	REP-XR	99-16-028	132A-280-005	REP	99-19-150
132A-140-010	REP	99-19-150	132A-168-005	REP	99-19-150	132A-280-006	NEW-P	99-10-100
132A-140-011	NEW-P	99-10-100	132A-168-006	NEW-P	99-10-100	132A-280-006	NEW	99-15-072
132A-140-011	NEW	99-15-072	132A-168-006	NEW	99-15-072	132A-280-010	REP-XR	99-16-028
132A-140-015	REP-XR	99-16-028	132A-168-010	REP-XR	99-16-028	132A-280-010	REP	99-19-150
132A-140-015	REP	99-19-150	132A-168-010	REP	99-19-150	132A-280-011	NEW-P	99-10-100
132A-140-016	NEW-P	99-10-100	132A-168-011	NEW-P	99-10-100	132A-280-011	NEW	99-15-072
132A-140-016	NEW	99-15-072	132A-168-011	NEW	99-15-072	132A-280-015	REP-XR	99-16-028
132A-140-020	REP-XR	99-16-028	132A-168-015	REP-XR	99-16-028	132A-280-015	REP	99-19-150
132A-140-020	REP	99-19-150	132A-168-015	REP	99-19-150	132A-280-016	NEW-P	99-10-100
132A-140-021	NEW-P	99-10-100	132A-168-016	NEW-P	99-10-100	132A-280-016	NEW	99-15-072
132A-140-021	NEW	99-15-072	132A-168-016	NEW	99-15-072	132A-280-020	REP-XR	99-16-028
132A-140-025	REP-XR	99-16-028	132A-168-021	NEW-P	99-10-100	132A-280-020	REP	99-19-150
132A-140-025	REP	99-19-150	132A-168-021	NEW	99-15-072	132A-280-021	NEW-P	99-10-100
132A-140-026	NEW-P	99-10-100	132A-168-026	NEW-P	99-10-100	132A-280-021	NEW	99-15-072
132A-140-026	NEW	99-15-072	132A-168-026	NEW	99-15-072	132A-280-026	NEW-P	99-10-100
132A-140-030	NEW-P	99-10-100	132A-176-005	REP-XR	99-16-028	132A-280-026	NEW	99-15-072
132A-140-030	NEW	99-15-072	132A-176-005	REP	99-19-150	132A-280-030	REP-XR	99-16-028
132A-150-010	NEW-P	99-10-100	132A-176-006	NEW-P	99-10-100	132A-280-030	REP	99-19-150
132A-150-010	NEW	99-15-072	132A-176-006	NEW	99-15-072	132A-280-031	NEW-P	99-10-100
132A-150-020	NEW-P	99-10-100	132A-180-005	REP-XR	99-16-028	132A-280-031	NEW	99-15-072
132A-150-020	NEW	99-15-072	132A-180-005	REP	99-19-150	132A-280-035	NEW-P	99-10-100
132A-156-005	REP-XR	99-16-028	132A-180-010	REP-XR	99-16-028	132A-280-035	NEW	99-15-072
132A-156-005	REP	99-19-150	132A-180-010	REP	99-19-150	132A-280-040	NEW-P	99-10-100
132A-156-006	NEW-P	99-10-100	132A-180-010	REP	99-19-150	132A-280-040	NEW	99-15-072
132A-156-006	NEW	99-15-072	132A-180-015	REP-XR	99-16-028	132A-280-045	NEW-P	99-10-100
132A-156-010	REP-XR	99-16-028	132A-180-015	REP	99-19-150	132A-280-045	NEW	99-15-072
			132A-180-020	REP-XR	99-16-028	132A-280-050	NEW-P	99-10-100
			132A-180-020	REP	99-19-150			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132A-280-050	NEW	99-15-072	132H-169-010	NEW-P	99-05-018	132K- 16-240	REP-P	99-07-109
132A-280-055	NEW-P	99-10-100	132H-169-010	NEW	99-10-045	132K- 16-240	REP	99-10-046
132A-280-055	NEW	99-15-072	132H-169-020	NEW-P	99-05-018	132K- 16-250	REP-P	99-07-109
132A-280-060	NEW-P	99-10-100	132H-169-020	NEW	99-10-045	132K- 16-250	REP	99-10-046
132A-280-060	NEW	99-15-072	132H-169-030	NEW-P	99-05-018	132K- 16-260	REP-P	99-07-109
132A-280-065	NEW-P	99-10-100	132H-169-030	NEW	99-10-045	132K- 16-260	REP	99-10-046
132A-280-065	NEW	99-15-072	132H-169-040	NEW-P	99-05-018	132K- 16-270	REP-P	99-07-109
132A-280-070	NEW-P	99-10-100	132H-169-040	NEW	99-10-045	132K- 16-270	REP	99-10-046
132A-280-070	NEW	99-15-072	132H-169-050	NEW-P	99-05-018	132K- 16-280	REP-P	99-07-109
132A-280-075	NEW-P	99-10-100	132H-169-050	NEW	99-10-045	132K- 16-280	REP	99-10-046
132A-280-075	NEW	99-15-072	132H-169-060	NEW-P	99-05-018	132K- 16-290	REP-P	99-07-109
132A-280-080	NEW-P	99-10-100	132H-169-060	NEW	99-10-045	132K- 16-290	REP	99-10-046
132A-280-080	NEW	99-15-072	132H-169-070	NEW-P	99-05-018	132K- 16-300	REP-P	99-07-109
132A-280-085	NEW-P	99-10-100	132H-169-070	NEW	99-10-045	132K- 16-300	REP	99-10-046
132A-280-085	NEW	99-15-072	132H-169-080	NEW-P	99-05-018	132K- 16-310	REP-P	99-07-109
132A-300-005	REP-XR	99-16-028	132H-169-080	NEW	99-10-045	132K- 16-310	REP	99-10-046
132A-300-005	REP	99-19-150	132H-169-090	NEW-P	99-05-018	132K- 16-320	REP-P	99-07-109
132A-300-010	REP-XR	99-16-028	132H-169-090	NEW	99-10-045	132K- 16-320	REP	99-10-046
132A-300-010	REP	99-19-150	132H-169-100	NEW-P	99-05-018	132K- 16-330	REP-P	99-07-109
132A-310-005	REP-XR	99-16-028	132H-169-100	NEW	99-10-045	132K- 16-330	REP	99-10-046
132A-310-005	REP	99-19-150	132H-169-110	NEW-P	99-05-018	132K- 16-340	REP-P	99-07-109
132A-310-010	REP-XR	99-16-028	132H-169-110	NEW	99-10-045	132K- 16-340	REP	99-10-046
132A-310-010	REP	99-19-150	132H-169-120	NEW-P	99-05-018	132K- 16-350	REP-P	99-07-109
132A-320-010	NEW-P	99-10-100	132H-169-120	NEW	99-10-045	132K- 16-350	REP	99-10-046
132A-320-010	NEW	99-15-072	132H-169-130	NEW-P	99-05-018	132K- 16-360	REP-P	99-07-109
132A-320-020	NEW-P	99-10-100	132H-169-130	NEW	99-10-045	132K- 16-360	REP	99-10-046
132A-320-020	NEW	99-15-072	132K- 16	PREP	99-04-028	132K- 16-370	REP-P	99-07-109
132A-320-030	NEW-P	99-10-100	132K- 16-010	REP-P	99-07-109	132K- 16-370	REP	99-10-046
132A-320-030	NEW	99-15-072	132K- 16-010	REP	99-10-046	132K- 16-380	REP-P	99-07-109
132A-350-015	NEW-P	99-10-100	132K- 16-020	REP-P	99-07-109	132K- 16-380	REP	99-10-046
132A-350-015	NEW	99-15-072	132K- 16-020	REP	99-10-046	132K- 16-390	REP-P	99-07-109
132A-350-020	NEW-P	99-10-100	132K- 16-030	REP-P	99-07-109	132K- 16-390	REP	99-10-046
132A-350-020	NEW	99-15-072	132K- 16-030	REP	99-10-046	132K- 16-400	REP-P	99-07-109
132A-350-030	NEW-P	99-10-100	132K- 16-040	REP-P	99-07-109	132K- 16-400	REP	99-10-046
132A-350-030	NEW	99-15-072	132K- 16-040	REP	99-10-046	132K- 16-410	REP-P	99-07-109
132A-350-040	NEW-P	99-10-100	132K- 16-050	REP-P	99-07-109	132K- 16-410	REP	99-10-046
132A-350-040	NEW	99-15-072	132K- 16-050	REP	99-10-046	132K- 16-420	REP-P	99-07-109
132A-350-045	NEW-P	99-10-100	132K- 16-060	REP-P	99-07-109	132K- 16-420	REP	99-10-046
132A-350-045	NEW	99-15-072	132K- 16-060	REP	99-10-046	132K- 16-430	REP-P	99-07-109
132A-350-050	NEW-P	99-10-100	132K- 16-070	REP-P	99-07-109	132K- 16-430	REP	99-10-046
132A-350-050	NEW	99-15-072	132K- 16-070	REP	99-10-046	132K- 16-440	REP-P	99-07-109
132H-168-010	REP-P	99-05-018	132K- 16-110	REP-P	99-07-109	132K- 16-440	REP	99-10-046
132H-168-010	REP	99-10-045	132K- 16-110	REP	99-10-046	132K- 16-450	REP-P	99-07-109
132H-168-020	REP-P	99-05-018	132K- 16-120	REP-P	99-07-109	132K- 16-450	REP	99-10-046
132H-168-020	REP	99-10-045	132K- 16-120	REP	99-10-046	132K- 16-460	REP-P	99-07-109
132H-168-030	REP-P	99-05-018	132K- 16-130	REP-P	99-07-109	132K- 16-460	REP	99-10-046
132H-168-030	REP	99-10-045	132K- 16-130	REP	99-10-046	132K- 16-470	REP-P	99-07-109
132H-168-040	REP-P	99-05-018	132K- 16-140	REP-P	99-07-109	132K- 16-470	REP	99-10-046
132H-168-040	REP	99-10-045	132K- 16-140	REP	99-10-046	132K- 16-480	REP-P	99-07-109
132H-168-050	REP-P	99-05-018	132K- 16-150	REP-P	99-07-109	132K- 16-480	REP	99-10-046
132H-168-050	REP	99-10-045	132K- 16-150	REP	99-10-046	132K-125-010	NEW-P	99-07-109
132H-168-060	REP-P	99-05-018	132K- 16-160	REP-P	99-07-109	132K-125-010	NEW	99-10-046
132H-168-060	REP	99-10-045	132K- 16-160	REP	99-10-046	132K-125-020	NEW-P	99-07-109
132H-168-070	REP-P	99-05-018	132K- 16-170	REP-P	99-07-109	132K-125-020	NEW	99-10-046
132H-168-070	REP	99-10-045	132K- 16-170	REP	99-10-046	132K-125-030	NEW-P	99-07-109
132H-168-080	REP-P	99-05-018	132K- 16-180	REP-P	99-07-109	132K-125-030	NEW	99-10-046
132H-168-080	REP	99-10-045	132K- 16-180	REP	99-10-046	132K-125-040	NEW-P	99-07-109
132H-168-090	REP-P	99-05-018	132K- 16-190	REP-P	99-07-109	132K-125-040	NEW	99-10-046
132H-168-090	REP	99-10-045	132K- 16-190	REP	99-10-046	132K-125-050	NEW-P	99-07-109
132H-168-990	REP-P	99-05-018	132K- 16-200	REP-P	99-07-109	132K-125-050	NEW	99-10-046
132H-168-990	REP	99-10-045	132K- 16-200	REP	99-10-046	132K-125-060	NEW-P	99-07-109
132H-168-9901	REP-P	99-05-018	132K- 16-210	REP-P	99-07-109	132K-125-060	NEW	99-10-046
132H-168-9901	REP	99-10-045	132K- 16-210	REP	99-10-046	132K-125-070	NEW-P	99-07-109
132H-168-9902	REP-P	99-05-018	132K- 16-220	REP-P	99-07-109	132K-125-070	NEW	99-10-046
132H-168-9902	REP	99-10-045	132K- 16-220	REP	99-10-046	132K-125-080	NEW-P	99-07-109
132H-168-9903	REP-P	99-05-018	132K- 16-230	REP-P	99-07-109	132K-125-080	NEW	99-10-046
132H-168-9903	REP	99-10-045	132K- 16-230	REP	99-10-046	132K-125-090	NEW-P	99-07-109

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132K-125-100	NEW-P	99-07-109	132K-125-430	NEW	99-10-046	132X- 10-070	PREP	99-19-102
132K-125-100	NEW	99-10-046	132N-160	PREP	99-06-011	132X- 10-080	PREP	99-19-102
132K-125-110	NEW-P	99-07-109	132N-160-010	NEW-P	99-10-044	132X- 10-090	PREP	99-19-102
132K-125-110	NEW	99-10-046	132N-160-010	NEW	99-15-017	132X- 10-100	PREP	99-19-102
132K-125-120	NEW-P	99-07-109	132N-160-020	NEW-P	99-10-044	132X- 10-110	PREP	99-19-102
132K-125-120	NEW	99-10-046	132N-160-020	NEW	99-15-017	132X- 20	PREP	99-06-032
132K-125-130	NEW-P	99-07-109	132N-160-030	NEW-P	99-10-044	132X- 30	PREP	99-06-032
132K-125-130	NEW	99-10-046	132N-160-030	NEW	99-15-017	132X- 30-040	PREP	99-19-102
132K-125-140	NEW-P	99-07-109	132N-160-040	NEW-P	99-10-044	132X- 40	PREP	99-06-032
132K-125-140	NEW	99-10-046	132N-160-040	NEW	99-15-017	132X- 40-020	PREP	99-19-102
132K-125-150	NEW-P	99-07-109	132N-160-050	NEW-P	99-10-044	132X- 50	PREP	99-06-032
132K-125-150	NEW	99-10-046	132N-160-050	NEW	99-15-017	132X- 50-020	PREP	99-19-102
132K-125-160	NEW-P	99-07-109	132N-160-060	NEW-P	99-10-044	132X- 50-030	PREP	99-19-102
132K-125-160	NEW	99-10-046	132N-160-060	NEW	99-15-017	132X- 50-040	PREP	99-19-102
132K-125-170	NEW-P	99-07-109	132N-160-070	NEW-P	99-10-044	132X- 50-050	PREP	99-19-102
132K-125-170	NEW	99-10-046	132N-160-070	NEW	99-15-017	132X- 50-060	PREP	99-19-102
132K-125-180	NEW-P	99-07-109	132N-160-080	NEW-P	99-10-044	132X- 50-070	PREP	99-19-102
132K-125-180	NEW	99-10-046	132N-160-080	NEW	99-15-017	132X- 50-080	PREP	99-19-102
132K-125-190	NEW-P	99-07-109	132N-160-090	NEW-P	99-10-044	132X- 50-090	PREP	99-19-102
132K-125-190	NEW	99-10-046	132N-160-090	NEW	99-15-017	132X- 50-100	PREP	99-19-102
132K-125-200	NEW-P	99-07-109	132P- 33-010	AMD-P	99-08-019	132X- 50-110	PREP	99-19-102
132K-125-200	NEW	99-10-046	132P- 33-010	AMD	99-13-140	132X- 50-120	PREP	99-19-102
132K-125-210	NEW-P	99-07-109	132P- 33-020	AMD-P	99-08-019	132X- 50-130	PREP	99-19-102
132K-125-210	NEW	99-10-046	132P- 33-020	AMD	99-13-140	132X- 50-140	PREP	99-19-102
132K-125-220	NEW-P	99-07-109	132P- 33-080	AMD-P	99-08-019	132X- 50-150	PREP	99-19-102
132K-125-220	NEW	99-10-046	132P- 33-080	AMD	99-13-140	132X- 50-160	PREP	99-19-102
132K-125-230	NEW-P	99-07-109	132P- 33-100	AMD-P	99-08-019	132X- 50-170	PREP	99-19-102
132K-125-230	NEW	99-10-046	132P- 33-100	AMD	99-13-140	132X- 50-180	PREP	99-19-102
132K-125-240	NEW-P	99-07-109	132P- 33-120	AMD-P	99-08-019	132X- 50-190	PREP	99-19-102
132K-125-240	NEW	99-10-046	132P- 33-120	AMD	99-13-140	132X- 50-200	PREP	99-19-102
132K-125-250	NEW-P	99-07-109	132P- 33-123	NEW-P	99-08-019	132X- 50-210	PREP	99-19-102
132K-125-250	NEW	99-10-046	132P- 33-123	NEW	99-13-140	132X- 50-220	PREP	99-19-102
132K-125-260	NEW-P	99-07-109	132P- 33-125	NEW-P	99-08-019	132X- 50-230	PREP	99-19-102
132K-125-260	NEW	99-10-046	132P- 33-125	NEW	99-13-140	132X- 50-240	PREP	99-19-102
132K-125-270	NEW-P	99-07-109	132P- 33-130	AMD-P	99-08-019	132X- 50-250	PREP	99-19-102
132K-125-270	NEW	99-10-046	132P- 33-130	AMD	99-13-140	132X- 50-260	PREP	99-19-102
132K-125-280	NEW-P	99-07-109	132P- 33-150	AMD-P	99-08-019	132X- 50-270	PREP	99-19-102
132K-125-280	NEW	99-10-046	132P- 33-150	AMD	99-13-140	132X- 50-280	PREP	99-19-102
132K-125-290	NEW-P	99-07-109	132P- 33-155	NEW-P	99-08-019	132X- 60	PREP	99-06-032
132K-125-290	NEW	99-10-046	132P- 33-155	NEW	99-13-140	132X- 60-010	PREP	99-19-102
132K-125-300	NEW-P	99-07-109	132P- 33-160	AMD-P	99-08-019	132X- 60-020	PREP	99-19-102
132K-125-300	NEW	99-10-046	132P- 33-160	AMD	99-13-140	132X- 60-030	PREP	99-19-102
132K-125-310	NEW-P	99-07-109	132P- 33-170	AMD-P	99-08-019	132X- 60-040	PREP	99-19-102
132K-125-310	NEW	99-10-046	132P- 33-170	AMD	99-13-140	132X- 60-050	PREP	99-19-102
132K-125-320	NEW-P	99-07-109	132P- 33-210	AMD-P	99-08-019	132X- 60-060	PREP	99-19-102
132K-125-320	NEW	99-10-046	132P- 33-210	AMD	99-13-140	132X- 60-070	PREP	99-19-102
132K-125-330	NEW-P	99-07-109	132P- 33-220	AMD-P	99-08-019	132X- 60-080	PREP	99-19-102
132K-125-330	NEW	99-10-046	132P- 33-220	AMD	99-13-140	132X- 60-090	PREP	99-19-102
132K-125-340	NEW-P	99-07-109	132P- 33-230	AMD-P	99-08-019	132X- 60-100	PREP	99-19-102
132K-125-340	NEW	99-10-046	132P- 33-230	AMD	99-13-140	132X- 60-110	PREP	99-19-102
132K-125-350	NEW-P	99-07-109	132P- 33-260	AMD-P	99-08-019	132X- 60-120	PREP	99-19-102
132K-125-350	NEW	99-10-046	132P- 33-260	AMD	99-13-140	132X- 60-130	PREP	99-19-102
132K-125-360	NEW-P	99-07-109	132P- 33-270	AMD-P	99-08-019	132X- 60-140	PREP	99-19-102
132K-125-360	NEW	99-10-046	132P- 33-270	AMD	99-13-140	132X- 60-150	PREP	99-19-102
132K-125-370	NEW-P	99-07-109	132P-276	PREP	99-05-041	132X- 60-160	PREP	99-19-102
132K-125-370	NEW	99-10-046	132O- 12-010	REP-C	99-05-040	132X- 60-170	PREP	99-19-102
132K-125-380	NEW-P	99-07-109	132O- 12-010	REP	99-10-012	132X- 60-178	PREP	99-19-102
132K-125-380	NEW	99-10-046	132V-120	PREP	99-16-107	136-130-050	AMD-P	99-09-084
132K-125-390	NEW-P	99-07-109	132V-300	PREP	99-16-108	136-130-050	AMD	99-16-038
132K-125-390	NEW	99-10-046	132V-400	PREP	99-16-109	136-130-070	AMD-P	99-17-039
132K-125-400	NEW-P	99-07-109	132X- 10	PREP	99-06-032	137- 08-010	PREP	99-14-017
132K-125-400	NEW	99-10-046	132X- 10-010	PREP	99-19-102	137- 08-020	PREP	99-14-017
132K-125-410	NEW-P	99-07-109	132X- 10-020	PREP	99-19-102	137- 08-060	PREP	99-14-017
132K-125-410	NEW	99-10-046	132X- 10-030	PREP	99-19-102	137- 08-070	PREP	99-14-017
132K-125-420	NEW-P	99-07-109	132X- 10-040	PREP	99-19-102	137- 08-080	PREP	99-14-017
132K-125-420	NEW	99-10-046	132X- 10-050	PREP	99-19-102	137- 08-090	PREP	99-14-017

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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
162-16-140	REP-P	99-04-108	162-22-075	NEW	99-15-025	162-40-071	REP-P	99-17-102
162-16-140	REP	99-15-025	162-22-080	REP-P	99-04-108	162-40-075	NEW-P	99-17-102
162-16-150	REP-P	99-04-108	162-22-080	REP	99-15-025	162-40-081	REP-P	99-17-102
162-16-150	REP	99-15-025	162-22-090	AMD-P	99-04-108	162-40-091	REP-P	99-17-102
162-16-160	REP-P	99-04-108	162-22-090	AMD	99-15-025	162-40-101	REP-P	99-17-102
162-16-160	REP	99-15-025	162-22-100	AMD-P	99-04-108	162-40-111	REP-P	99-17-102
162-16-170	REP-P	99-04-108	162-22-100	AMD	99-15-025	162-40-121	REP-P	99-17-102
162-16-170	REP	99-15-025	162-26	PREP	99-12-100	162-40-131	REP-P	99-17-102
162-16-200	NEW-P	99-04-108	162-26	PREP	99-13-121	162-40-141	REP-P	99-17-102
162-16-200	NEW	99-15-025	162-26-010	AMD-P	99-04-108	162-40-151	REP-P	99-17-102
162-16-210	NEW-P	99-04-108	162-26-010	AMD	99-15-025	162-40-161	REP-P	99-17-102
162-16-210	NEW	99-15-025	162-26-020	REP-P	99-04-108	162-40-171	AMD-P	99-17-102
162-16-220	NEW-P	99-04-108	162-26-020	REP	99-15-025	162-40-181	AMD-P	99-17-102
162-16-220	NEW	99-15-025	162-26-030	REP-P	99-04-108	162-40-191	AMD-P	99-17-102
162-16-230	NEW-P	99-04-108	162-26-030	REP	99-15-025	162-40-201	AMD-P	99-17-102
162-16-230	NEW	99-15-025	162-26-035	REP-P	99-04-108	162-40-211	AMD-P	99-17-102
162-16-240	NEW-P	99-04-108	162-26-035	REP	99-15-025	162-40-221	AMD-P	99-17-102
162-16-240	NEW	99-15-025	162-26-040	AMD-P	99-04-108	162-40-231	AMD-P	99-17-102
162-16-250	NEW-P	99-04-108	162-26-040	AMD	99-15-025	162-40-241	REP-P	99-17-102
162-16-250	NEW	99-15-025	162-26-050	REP-P	99-04-108	162-40-251	AMD-P	99-17-102
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173-16-020	REP-W	99-19-074	173-202-020	AMD-E	99-07-077	173-425-040	AMD-P	99-07-110
173-16-030	REP-P	99-08-124	173-202-020	AMD-E	99-09-001	173-425-040	AMD-S	99-18-100
173-16-030	REP-W	99-19-074	173-202-020	AMD-C	99-09-094	173-425-050	AMD-P	99-07-110
173-16-040	REP-P	99-08-124	173-224	PREP	99-11-055	173-425-050	AMD-S	99-18-100
173-16-040	REP-W	99-19-074	173-224-030	AMD-P	99-19-124	173-425-060	AMD-P	99-07-110
173-16-050	REP-P	99-08-124	173-224-040	AMD-P	99-19-124	173-425-060	AMD-S	99-18-100
173-16-050	REP-W	99-19-074	173-224-050	AMD-P	99-19-124	173-425-070	AMD-P	99-07-110
173-16-060	REP-P	99-08-124	173-230	AMD-C	99-13-101	173-425-070	AMD-S	99-18-100
173-16-060	REP-W	99-19-074	173-230-010	AMD-P	99-12-038	173-425-080	AMD-P	99-07-110
173-16-064	REP-P	99-08-124	173-230-020	AMD-P	99-12-038	173-425-080	AMD-S	99-18-100
173-16-064	REP-W	99-19-074	173-230-030	REP-P	99-12-038	173-425-090	REP-P	99-07-110
173-16-070	REP-P	99-08-124	173-230-040	AMD-P	99-12-038	173-425-090	REP-S	99-18-100
173-16-070	REP-W	99-19-074	173-230-050	REP-P	99-12-038	173-425-100	REP-P	99-07-110
173-16-200	REP-P	99-08-124	173-230-061	AMD-P	99-12-038	173-425-100	REP-S	99-18-100
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173-26	AMD-C	99-12-094	173-230-070	AMD-P	99-12-038	173-425-110	REP-S	99-18-100
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173-26-020	AMD-W	99-19-074	173-230-090	AMD-P	99-12-038	173-434	PREP	99-07-093
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173-26-095	NEW-W	99-19-074	173-230-110	AMD-P	99-12-038	173-481	PREP	99-10-042
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173-26-100	AMD-W	99-19-074	173-230-130	AMD-P	99-12-038	173-491	PREP	99-17-080
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173-26-120	AMD-W	99-19-074	173-325-030	AMD-XA	99-17-114	173-495-045	AMD-XA	99-13-174
173-26-170	NEW-P	99-08-124	173-325-040	AMD-XA	99-17-114	173-495-060	AMD-XA	99-13-174
173-26-170	NEW-W	99-19-074	173-325-050	AMD-XA	99-17-114	173-495-065	AMD-XA	99-13-174
173-26-180	NEW-P	99-08-124	173-400	PREP	99-07-093	173-495-070	AMD-XA	99-13-174
173-26-180	NEW-W	99-19-074	173-400	PREP	99-09-093	173-495-080	AMD-XA	99-13-174
173-26-190	NEW-P	99-08-124	173-400	PREP	99-10-042	173-495-100	AMD-XA	99-13-174
173-26-190	NEW-W	99-19-074	173-400	PREP	99-17-080	173-495-120	AMD-XA	99-13-174
173-26-200	NEW-P	99-08-124	173-400-030	AMD-XA	99-04-097	173-532-085	NEW-S	99-08-125
173-26-200	NEW-W	99-19-074	173-400-030	AMD-P	99-12-096	173-532-085	NEW	99-13-093
173-26-210	NEW-P	99-08-124	173-400-040	AMD-XA	99-04-097	173-548	AMD-P	99-09-092
173-26-210	NEW-W	99-19-074	173-400-040	AMD-P	99-12-096	173-548-001	NEW-P	99-09-092
173-26-220	NEW-P	99-08-124	173-400-060	AMD-XA	99-04-097	173-548-002	NEW-P	99-09-092
173-26-220	NEW-W	99-19-074	173-400-060	AMD-P	99-12-096	173-548-005	NEW-P	99-09-092
173-26-230	NEW-P	99-08-124	173-400-070	AMD-XA	99-04-097	173-548-010	AMD-P	99-09-092
173-26-230	NEW-W	99-19-074	173-400-070	AMD-P	99-12-096	173-548-015	NEW-P	99-09-092
173-26-240	NEW-P	99-08-124	173-400-075	AMD-XA	99-04-097	173-548-020	AMD-P	99-09-092
173-26-240	NEW-W	99-19-074	173-400-075	AMD-P	99-12-096	173-548-030	AMD-P	99-09-092
173-26-250	NEW-P	99-08-124	173-400-104	AMD-XA	99-04-097	173-548-031	NEW-P	99-09-092
173-26-250	NEW-W	99-19-074	173-400-104	AMD-P	99-12-096	173-548-032	NEW-P	99-09-092
173-26-260	NEW-P	99-08-124	173-400-115	AMD-XA	99-04-097	173-548-033	NEW-P	99-09-092
173-26-260	NEW-W	99-19-074	173-400-115	AMD-P	99-12-096	173-548-034	NEW-P	99-09-092
173-153-010	NEW-P	99-12-109	173-401	PREP	99-17-080	173-548-035	NEW-P	99-09-092
173-153-020	NEW-P	99-12-109	173-405	PREP	99-07-093	173-548-036	NEW-P	99-09-092
173-153-030	NEW-P	99-12-109	173-405	PREP	99-17-080	173-548-037	NEW-P	99-09-092
173-153-040	NEW-P	99-12-109	173-406	PREP	99-13-173	173-548-040	AMD-P	99-09-092
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173-153-060	NEW-P	99-12-109	173-410	PREP	99-07-093	173-548-060	AMD-P	99-09-092
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173-153-090	NEW-P	99-12-109	173-415	PREP	99-17-080	173-548-076	NEW-P	99-09-092
173-153-100	NEW-P	99-12-109	173-422-130	AMD-P	99-19-123	174-280-015	AMD-P	99-08-030
173-153-110	NEW-P	99-12-109	173-422-160	AMD-P	99-19-123	174-280-015	AMD	99-12-024
173-153-120	NEW-P	99-12-109	173-422-170	AMD-P	99-19-123	174-280-030	AMD-P	99-08-030
173-153-130	NEW-P	99-12-109	173-425	AMD-P	99-07-110	174-280-030	AMD	99-12-024
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173-153-150	NEW-P	99-12-109	173-425	AMD-C	99-19-034	180-08-015	NEW	99-10-092
173-153-160	NEW-P	99-12-109	173-425-010	AMD-P	99-07-110	180-16-195	AMD-P	99-04-080
173-153-170	NEW-P	99-12-109	173-425-010	AMD-S	99-18-100	180-16-195	AMD	99-10-091
173-153-180	NEW-P	99-12-109	173-425-020	AMD-P	99-07-110	180-16-215	PREP	99-04-088
173-153-190	NEW-P	99-12-109	173-425-020	AMD-S	99-18-100	180-16-215	AMD-P	99-07-069

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180-16-221	REP	99-07-054	180-24-180	NEW-P	99-19-151	180-40-270	AMD-E	99-18-064
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180-16-226	REP-XR	99-03-001	180-24-195	NEW-P	99-19-151	180-40-285	AMD-P	99-19-003
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180-16-231	REP-XR	99-03-001	180-24-200	REP-P	99-19-151	180-40-305	AMD-E	99-18-064
180-16-231	REP	99-07-054	180-24-205	AMD-P	99-19-151	180-40-305	AMD-P	99-19-003
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180-16-236	REP	99-07-054	180-24-215	NEW-P	99-19-151	180-40-315	AMD-P	99-19-003
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180-16-238	REP	99-07-054	180-24-300	REP-P	99-19-151	180-41-035	AMD-P	99-07-073
180-16-240	REP-P	99-04-080	180-24-305	DECOD-P	99-19-151	180-51	PREP	99-10-089
180-16-240	REP	99-10-091	180-24-305	AMD-P	99-19-151	180-51-050	AMD-P	99-04-081
180-18-055	NEW-P	99-04-082	180-24-310	DECOD-P	99-19-151	180-51-050	AMD	99-10-093
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180-20-035	REP	99-08-004	180-24-320	DECOD-P	99-19-151	180-51-110	PREP	99-04-091
180-20-040	REP	99-08-004	180-24-325	REP-P	99-19-151	180-51-110	AMD-P	99-07-072
180-20-055	REP	99-08-004	180-24-327	DECOD-P	99-19-151	180-51-110	AMD-S	99-14-011
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180-20-075	REP	99-08-004	180-24-345	REP-P	99-19-151	180-55-085	PREP	99-04-089
180-20-080	REP	99-08-004	180-24-350	REP-P	99-19-151	180-55-085	AMD-P	99-07-068
180-20-101	AMD	99-08-004	180-24-355	REP-P	99-19-151	180-56-245	PREP	99-04-092
180-20-111	AMD	99-08-004	180-24-360	REP-P	99-19-151	180-56-245	AMD-P	99-07-071
180-20-115	AMD	99-08-004	180-24-365	REP-P	99-19-151	180-77A	PREP	99-04-046
180-20-120	AMD	99-08-004	180-24-370	REP-P	99-19-151	180-77A-028	AMD-P	99-07-049
180-20-150	REP	99-08-004	180-24-375	REP-P	99-19-151	180-77A-028	AMD	99-12-014
180-22-150	PREP	99-04-083	180-24-380	REP-P	99-19-151	180-77A-029	AMD-P	99-07-049
180-22-150	AMD-P	99-07-065	180-25	PREP	99-06-074	180-77A-029	AMD	99-12-014
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180-24-007	AMD-P	99-19-151	180-26-040	AMD-C	99-19-153	180-78-155	PREP	99-04-087
180-24-008	REP-P	99-19-151	180-27	PREP	99-06-079	180-78-155	AMD-P	99-07-070
180-24-009	NEW-P	99-19-151	180-27	AMD-C	99-19-154	180-78-207	PREP	99-04-087
180-24-013	REP-P	99-19-151	180-27-020	AMD-P	99-14-090	180-78-207	AMD-P	99-07-070
180-24-016	REP-P	99-19-151	180-27-030	AMD-P	99-14-090	180-78-210	PREP	99-04-087
180-24-017	REP-P	99-19-151	180-27-056	AMD-P	99-14-090	180-78-210	AMD-P	99-07-070
180-24-021	REP-P	99-19-151	180-27-080	AMD-P	99-14-090	180-78A	PREP	99-16-062
180-24-080	REP-P	99-19-151	180-27-082	NEW-W	99-03-026	180-78A	PREP	99-16-063
180-24-101	REP-P	99-19-151	180-27-083	NEW-W	99-03-026	180-78A-005	AMD-P	99-19-085
180-24-102	REP-P	99-19-151	180-27-102	NEW-P	99-14-090	180-78A-074	REP-P	99-19-085
180-24-105	NEW-P	99-19-151	180-27-600	AMD-P	99-14-090	180-78A-110	AMD-P	99-19-085
180-24-110	AMD-P	99-19-151	180-27-605	AMD-P	99-14-090	180-78A-125	AMD-P	99-19-085
180-24-110	RECOD-P	99-19-151	180-27-610	AMD-P	99-14-090	180-78A-220	AMD-P	99-19-085
180-24-112	REP-P	99-19-151	180-27-615	AMD-P	99-14-090	180-78A-264	AMD-P	99-19-085
180-24-115	AMD-P	99-19-151	180-29	PREP	99-06-078	180-78A-270	AMD-P	99-19-085
180-24-115	RECOD-P	99-19-151	180-29	AMD-C	99-19-152	180-78A-310	AMD-P	99-19-085
180-24-120	AMD-P	99-19-151	180-29-040	AMD-P	99-10-001	180-79A	PREP	99-16-059
180-24-120	RECOD-P	99-19-151	180-29-040	AMD-P	99-14-088	180-79A	PREP	99-16-062
180-24-125	AMD-P	99-19-151	180-29-040	AMD	99-18-107	180-79A-030	AMD-P	99-19-085
180-24-125	RECOD-P	99-19-151	180-29-066	NEW-P	99-14-088	180-79A-105	AMD-P	99-19-085
180-24-130	RECOD-P	99-19-151	180-29-067	NEW-P	99-14-088	180-79A-123	AMD-E	99-19-083
180-24-130	AMD-P	99-19-151	180-29-075	AMD-P	99-14-088	180-79A-140	AMD-P	99-19-085
180-24-135	NEW-P	99-19-151	180-29-085	AMD-P	99-14-088	180-79A-150	AMD-P	99-19-085
180-24-140	RECOD-P	99-19-151	180-29-095	PREP	99-04-086	180-79A-155	AMD-P	99-19-085
180-24-140	AMD-P	99-19-151	180-29-095	AMD-P	99-07-067	180-79A-211	AMD-P	99-19-085
180-24-145	NEW-P	99-19-151	180-29-160	AMD-P	99-14-088	180-79A-213	AMD-P	99-19-085
180-24-150	NEW-P	99-19-151	180-31	PREP	99-06-077	180-79A-223	PREP	99-06-038
180-24-155	NEW-P	99-19-151	180-32	PREP	99-06-076	180-79A-223	AMD-P	99-10-003
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180- 79A-241	PREP	99-16-061	180- 82-352	NEW	99-04-008	192- 12-076	REP-XA	99-11-090
180- 79A-241	REP-P	99-19-084	180- 82-354	NEW	99-04-008	192- 12-076	REP-XA	99-19-013
180- 79A-253	AMD-P	99-19-085	180- 82-355	NEW	99-04-008	192- 12-080	REP-XR	99-10-006
180- 79A-260	PREP	99-16-060	180- 82-356	NEW	99-04-008	192- 12-090	REP-XA	99-11-094
180- 79A-299	AMD-P	99-19-085	180- 82-360	NEW	99-04-008	192- 12-100	REP-XA	99-13-116
180- 79A-300	AMD	99-06-006	180- 82-362	NEW-W	99-08-081	192- 12-110	REP-XR	99-10-007
180- 79A-380	PREP	99-04-085	180- 85-075	AMD-E	99-05-002	192- 12-115	REP-XR	99-10-008
180- 79A-380	AMD-P	99-07-066	180- 85-075	PREP	99-06-039	192- 12-130	REP	99-15-069
180- 82	PREP	99-04-109	180- 85-075	AMD-P	99-10-002	192- 12-141	REP	99-08-073
180- 82	PREP	99-12-040	180- 85-075	AMD	99-14-010	192- 12-150	REP	99-08-073
180- 82	PREP	99-16-062	182- 08-095	PREP	99-11-100	192- 12-182	REP	99-08-073
180- 82-002	NEW	99-04-008	182- 08-095	AMD-P	99-14-082	192- 12-330	AMD	99-08-073
180- 82-004	NEW	99-04-008	182- 08-095	AMD	99-19-029	192- 12-350	REP-XR	99-13-107
180- 82-105	NEW	99-04-008	182- 12-111	PREP	99-11-099	192- 12-355	REP-XR	99-13-108
180- 82-110	NEW	99-04-008	182- 12-111	AMD-P	99-14-081	192- 12-360	REP-XA	99-13-111
180- 82-115	NEW	99-04-008	182- 12-111	AMD	99-19-028	192- 12-380	REP-XR	99-13-109
180- 82-120	NEW	99-04-008	182- 12-119	PREP	99-11-099	192- 12-400	REP-XA	99-19-070
180- 82-125	NEW	99-04-008	182- 12-119	AMD-P	99-14-081	192- 12-405	REP-XA	99-19-071
180- 82-130	NEW	99-04-008	182- 12-119	AMD	99-19-028	192- 15-150	AMD	99-08-073
180- 82-200	NEW	99-04-008	182- 25-010	PREP	99-15-098	192- 16-001	REP-XA	99-11-092
180- 82-201	NEW	99-04-008	182- 25-010	AMD-E	99-18-051	192- 16-002	REP-XR	99-12-108
180- 82-202	NEW	99-04-008	182- 25-010	AMD-P	99-19-027	192- 16-021	REP-P	99-19-157
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180- 82-204	NEW	99-04-008	182- 25-030	PREP	99-08-107	192- 16-051	REP-E	99-13-003
180- 82-210	NEW	99-04-008	182- 25-030	AMD-P	99-12-032	192- 16-051	REP-P	99-13-183
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180- 82-215	NEW	99-04-008	182- 25-030	AMD	99-16-022	192- 16-052	REP-E	99-05-003
180- 82-215	AMD-P	99-19-085	182- 25-030	AMD-E	99-18-051	192- 16-052	REP-E	99-13-003
180- 82-300	NEW	99-04-008	182- 25-030	AMD-P	99-19-027	192- 16-052	REP-P	99-13-183
180- 82-302	NEW-W	99-08-081	182- 25-031	NEW-E	99-18-051	192- 16-052	REP	99-18-066
180- 82-304	NEW	99-04-008	182- 25-031	NEW-P	99-19-027	192- 16-052	REP-E	99-05-003
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180- 82-308	NEW	99-04-008	182- 25-040	AMD-P	99-12-032	192- 16-057	REP-P	99-13-183
180- 82-310	NEW	99-04-008	182- 25-040	PREP	99-15-098	192- 16-057	REP	99-18-066
180- 82-312	NEW	99-04-008	182- 25-040	AMD	99-16-022	192- 23-002	REP	99-08-073
180- 82-314	NEW	99-04-008	182- 25-040	AMD-E	99-18-051	192- 23-013	REP	99-08-073
180- 82-315	NEW-P	99-04-110	182- 25-040	AMD-P	99-19-027	192- 23-018	REP	99-08-073
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180- 82-319	NEW	99-07-102	182- 25-090	PREP	99-15-098	192- 32-045	REP-XR	99-19-046
180- 82-320	NEW	99-04-008	182- 25-090	AMD-E	99-18-051	192- 32-055	REP-XR	99-19-046
180- 82-321	NEW-P	99-04-110	182- 25-090	AMD-P	99-19-027	192- 32-065	REP-XR	99-19-046
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180- 82-328	NEW	99-04-008	192- 04-170	AMD	99-08-073	192-110-005	NEW	99-08-073
180- 82-330	NEW	99-04-008	192- 04-190	AMD	99-08-073	192-110-010	NEW	99-15-069
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180- 82-332	NEW	99-04-008	192- 12-010	REP-XA	99-13-110	192-110-020	NEW	99-08-073
180- 82-334	NEW	99-04-008	192- 12-015	REP-XA	99-13-113	192-110-050	NEW	99-08-073
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180- 82-342	NEW	99-04-008	192- 12-050	PREP	99-11-088	192-120-035	NEW	99-08-073
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180- 82-344	NEW	99-04-008	192- 12-066	REP-XA	99-13-114	192-140-005	NEW	99-08-073
180- 82-346	NEW	99-04-008	192- 12-070	REP-XA	99-13-115	192-140-010	NEW	99-08-073
180- 82-348	NEW	99-04-008	192- 12-072	REP-P	99-05-068	192-140-020	NEW	99-08-073
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220-56-105	AMD	99-15-081	220-56-23500C	NEW-E	99-10-049	220-56-35000B	REP-E	99-17-046
220-56-10500B	REP-E	99-10-049	220-56-245	REP-XA	99-11-098	220-56-35000C	NEW-E	99-17-046
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220-88A-07000	REP-E	99-15-019	222-10-043	NEW-E	99-16-081	226-01-030	NEW-P	99-13-156
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220-110-205	AMD	99-10-048	222-20-070	AMD-C	99-09-078	226-02-050	NEW-E	99-13-157
220-125-010	NEW-XA	99-19-139	222-22-010	AMD-C	99-09-078	226-02-050	NEW	99-18-048
220-125-020	NEW-XA	99-19-139	222-22-030	AMD-C	99-09-078	226-02-060	NEW-P	99-13-156
220-125-040	NEW-XA	99-19-139	222-22-035	NEW-C	99-09-078	226-02-060	NEW-E	99-13-157
220-125-050	NEW-XA	99-19-139	222-22-040	AMD-C	99-09-078	226-02-060	NEW	99-18-048
220-125-060	NEW-XA	99-19-139	222-22-050	AMD-C	99-09-078	226-02-070	NEW-P	99-13-156
220-125-070	NEW-XA	99-19-139	222-22-060	AMD-C	99-09-078	226-02-070	NEW-E	99-13-157
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236-48-143	AMD	99-15-070	245-02-010	DECOD	99-04-049	246-100-072	AMD-P	99-12-083
236-48-151	REP-XR	99-10-068	245-02-020	DECOD	99-04-049	246-100-072	AMD	99-17-077
236-48-151	REP	99-13-138	245-02-025	DECOD	99-04-049	246-100-076	AMD-P	99-12-083
236-48-152	AMD-XA	99-10-069	245-02-030	DECOD	99-04-049	246-100-076	AMD	99-17-077
236-48-153	AMD-XA	99-10-069	245-02-035	DECOD	99-04-049	246-100-206	AMD-P	99-12-083
236-48-153	AMD	99-15-070	245-02-040	DECOD	99-04-049	246-100-206	AMD	99-17-077
236-48-155	REP-XR	99-10-068	245-02-045	DECOD	99-04-049	246-100-207	AMD-P	99-12-083
236-48-155	REP	99-13-138	245-02-050	DECOD	99-04-049	246-100-207	AMD	99-17-077
236-48-162	REP-XR	99-10-068	245-02-100	DECOD	99-04-049	246-100-208	AMD-P	99-12-083
236-48-162	REP	99-13-138	245-02-110	DECOD	99-04-049	246-100-208	AMD	99-17-077
236-48-163	REP-XR	99-10-068	245-02-115	DECOD	99-04-049	246-100-209	AMD-P	99-12-083
236-48-163	REP	99-13-138	245-02-120	DECOD	99-04-049	246-100-209	AMD	99-17-077
236-48-164	REP-XR	99-10-068	245-02-125	DECOD	99-04-049	246-100-236	AMD-P	99-12-083
236-48-164	REP	99-13-138	245-02-130	DECOD	99-04-049	246-100-236	AMD	99-17-077
236-48-165	AMD-XA	99-10-069	245-02-131	DECOD	99-04-049	246-205-990	AMD-P	99-07-120
236-48-165	AMD	99-15-070	245-02-135	DECOD	99-04-049	246-205-990	AMD	99-12-022
236-48-166	AMD-XA	99-10-069	245-02-140	DECOD	99-04-049	246-215	PREP	99-19-031
236-48-166	AMD	99-15-070	245-02-145	DECOD	99-04-049	246-217	AMD	99-13-019
236-48-167	AMD-XA	99-10-069	245-02-150	DECOD	99-04-049	246-217-001	REP-P	99-08-097
236-48-167	AMD	99-15-070	245-02-155	DECOD	99-04-049	246-217-001	REP	99-13-019
236-48-190	AMD-XA	99-10-069	245-02-160	DECOD	99-04-049	246-217-002	REP-P	99-08-097
236-48-190	AMD	99-15-070	245-02-165	DECOD	99-04-049	246-217-002	REP	99-13-019
236-48-230	AMD-XA	99-10-069	245-02-170	DECOD	99-04-049	246-217-005	NEW-P	99-08-097
236-48-230	AMD	99-15-070	245-02-175	DECOD	99-04-049	246-217-005	NEW	99-13-019
236-48-250	AMD-XA	99-10-069	245-02-180	DECOD	99-04-049	246-217-010	AMD-P	99-08-097
236-48-250	AMD	99-15-070	246-05-001	REP	99-03-062	246-217-010	AMD	99-13-019
236-48-251	AMD-XA	99-10-069	246-05-010	REP	99-03-062	246-217-011	REP-P	99-08-097
236-48-251	AMD	99-15-070	246-05-020	REP	99-03-063	246-217-011	REP	99-13-019
236-48-252	AMD-XA	99-10-069	246-05-030	REP	99-03-062	246-217-015	NEW-P	99-08-097
236-48-252	AMD	99-15-070	246-08-400	AMD-P	99-10-078	246-217-015	NEW	99-13-019
236-48-253	AMD-XA	99-10-069	246-08-400	AMD	99-13-083	246-217-020	REP-P	99-08-097
236-48-253	AMD	99-15-070	246-25	PREP	99-04-050	246-217-020	REP	99-13-019
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236-48-254	REP	99-13-138	246-25-020	RECOD	99-04-049	246-217-025	NEW	99-13-019
236-48-300	REP-XR	99-10-068	246-25-025	RECOD	99-04-049	246-217-030	REP-P	99-08-097
236-48-300	REP	99-13-138	246-25-030	RECOD	99-04-049	246-217-030	REP	99-13-019
236-49-001	AMD-XA	99-10-069	246-25-035	RECOD	99-04-049	246-217-035	NEW-P	99-08-097
236-49-001	AMD	99-15-070	246-25-040	RECOD	99-04-049	246-217-035	NEW	99-13-019
236-49-010	AMD-XA	99-10-069	246-25-045	RECOD	99-04-049	246-217-040	REP-P	99-08-097
236-49-010	AMD	99-15-070	246-25-050	RECOD	99-04-049	246-217-040	REP	99-13-019
236-49-020	AMD-XA	99-10-069	246-25-100	RECOD	99-04-049	246-217-045	NEW-P	99-08-097
236-49-020	AMD	99-15-070	246-25-110	RECOD	99-04-049	246-217-045	NEW	99-13-019
236-49-030	REP-XR	99-10-068	246-25-115	RECOD	99-04-049	246-217-050	REP-P	99-08-097
236-49-030	REP	99-13-138	246-25-120	RECOD	99-04-049	246-217-050	REP	99-13-019
236-49-040	REP-XR	99-10-068	246-25-125	RECOD	99-04-049	246-217-060	AMD-P	99-08-097
236-49-040	REP	99-13-138	246-25-130	RECOD	99-04-049	246-217-060	AMD	99-13-019
236-49-055	AMD-XA	99-10-069	246-25-131	RECOD	99-04-049	246-217-070	AMD-P	99-08-097
236-49-055	AMD	99-15-070	246-25-135	RECOD	99-04-049	246-217-070	AMD	99-13-019
236-49-060	AMD-XA	99-10-069	246-25-140	RECOD	99-04-049	246-220-010	AMD-P	99-12-130
236-49-060	AMD	99-15-070	246-25-145	RECOD	99-04-049	246-220-010	AMD	99-15-105
236-49-061	REP-XR	99-10-068	246-25-150	RECOD	99-04-049	246-220-110	REP-P	99-12-130
236-49-061	REP	99-13-138	246-25-155	RECOD	99-04-049	246-220-110	REP	99-15-105
236-70-040	AMD-XA	99-19-075	246-25-160	RECOD	99-04-049	246-220-120	REP-P	99-12-130
236-70-050	AMD-XA	99-19-075	246-25-165	RECOD	99-04-049	246-220-120	REP	99-15-105
236-70-060	AMD-XA	99-19-075	246-25-170	RECOD	99-04-049	246-221-005	AMD-P	99-12-130
236-70-080	AMD-XA	99-19-075	246-25-175	RECOD	99-04-049	246-221-005	AMD	99-15-105
236-100-013	AMD-XA	99-19-062	246-25-180	RECOD	99-04-049	246-221-160	AMD-P	99-12-130
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246-231-010	NEW	99-15-105	246-290-110	AMD	99-07-021	246-316-990	PREP-W	99-04-048
246-231-030	NEW-P	99-12-130	246-290-115	REP	99-07-021	246-318-010	REP	99-04-052
246-231-030	NEW	99-15-105	246-290-120	AMD	99-07-021	246-318-013	REP	99-04-052
246-231-040	NEW-P	99-12-130	246-290-125	NEW	99-07-021	246-318-015	REP	99-04-052
246-231-040	NEW	99-15-105	246-290-130	AMD	99-07-021	246-318-017	REP	99-04-052
246-231-050	NEW-P	99-12-130	246-290-132	NEW	99-07-021	246-318-020	REP	99-04-052
246-231-050	NEW	99-15-105	246-290-135	AMD	99-07-021	246-318-025	REP	99-04-052
246-231-060	NEW-P	99-12-130	246-290-140	AMD	99-07-021	246-318-030	REP	99-04-052
246-231-060	NEW	99-15-105	246-290-200	AMD	99-07-021	246-318-033	REP	99-04-052
246-231-070	NEW-P	99-12-130	246-290-220	AMD	99-07-021	246-318-035	REP	99-04-052
246-231-070	NEW	99-15-105	246-290-221	NEW	99-07-021	246-318-040	REP	99-04-052
246-231-080	NEW-P	99-12-130	246-290-222	NEW	99-07-021	246-318-042	REP	99-04-052
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246-231-140	NEW-P	99-12-130	246-290-420	AMD	99-07-021	246-318-250	REP	99-04-052
246-231-140	NEW	99-15-105	246-290-430	REP	99-07-021	246-318-260	REP	99-04-052
246-231-200	NEW-P	99-12-130	246-290-440	REP	99-07-021	246-318-270	REP	99-04-052
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246-232-040	AMD-P	99-12-130	246-290-470	AMD	99-07-021	246-318-310	REP	99-04-052
246-232-040	AMD	99-15-105	246-290-480	AMD	99-07-021	246-318-320	REP	99-04-052
246-232-060	AMD-P	99-12-130	246-290-490	AMD	99-07-021	246-318-330	REP	99-04-052
246-232-060	AMD	99-15-105	246-290-495	NEW	99-07-021	246-318-350	REP	99-04-052
246-232-090	AMD-P	99-12-130	246-290-601	AMD	99-07-021	246-318-370	REP	99-04-052
246-232-090	AMD	99-15-105	246-290-610	REP	99-07-021	246-318-380	REP	99-04-052
246-235-075	AMD-P	99-12-130	246-290-620	AMD	99-07-021	246-318-390	REP	99-04-052
246-235-075	AMD	99-15-105	246-290-630	AMD	99-07-021	246-318-400	REP	99-04-052
246-243-040	AMD	99-05-012	246-290-630	AMD	99-10-076	246-318-420	REP	99-04-052
246-243-090	AMD	99-05-012	246-290-632	AMD	99-07-021	246-318-440	REP	99-04-052
246-244-040	AMD-P	99-12-130	246-290-634	AMD	99-07-021	246-318-450	REP	99-04-052
246-244-040	AMD	99-15-105	246-290-636	AMD	99-07-021	246-318-500	REP	99-04-052
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
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246-290-020	AMD	99-07-021	246-290-691	NEW	99-07-021	246-318-680	REP	99-04-052
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246-318-710	REP	99-04-052	246-320-745	NEW	99-04-052	246-359-440	NEW	99-03-065
246-318-720	REP	99-04-052	246-320-755	NEW	99-04-052	246-359-500	NEW	99-03-065
246-318-730	REP	99-04-052	246-320-765	NEW	99-04-052	246-359-510	NEW	99-03-065
246-318-740	REP	99-04-052	246-320-775	NEW	99-04-052	246-359-520	NEW	99-03-065
246-318-750	REP	99-04-052	246-320-785	NEW	99-04-052	246-359-530	NEW	99-03-065
246-318-760	REP	99-04-052	246-320-795	NEW	99-04-052	246-359-540	NEW	99-03-065
246-318-770	REP	99-04-052	246-320-805	NEW	99-04-052	246-359-550	NEW	99-03-065
246-318-780	REP	99-04-052	246-320-815	NEW	99-04-052	246-359-560	NEW	99-03-065
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246-318-800	REP	99-04-052	246-320-99902	NEW	99-04-052	246-359-570	NEW	99-03-065
246-318-810	REP	99-04-052	246-358	PREP	99-15-108	246-359-575	NEW	99-03-065
246-318-820	REP	99-04-052	246-358-025	AMD-E	99-10-096	246-359-580	NEW	99-03-065
246-318-830	REP	99-04-052	246-358-600	NEW-P	99-08-098	246-359-590	NEW	99-03-065
246-318-840	REP	99-04-052	246-358-600	NEW	99-12-006	246-359-600	NEW	99-03-065
246-318-850	REP	99-04-052	246-358-610	NEW-P	99-08-098	246-359-700	NEW	99-03-065
246-318-860	REP	99-04-052	246-358-610	NEW	99-12-006	246-359-710	NEW	99-03-065
246-318-870	REP	99-04-052	246-358-620	NEW-P	99-08-098	246-359-720	NEW	99-03-065
246-318-990	REP	99-04-052	246-358-620	NEW	99-12-006	246-359-730	NEW	99-03-065
246-318-99902	REP	99-04-052	246-358-630	NEW-P	99-08-098	246-359-740	NEW	99-03-065
246-318-99910	REP	99-04-052	246-358-630	NEW	99-12-006	246-359-750	NEW	99-03-065
246-320-001	NEW	99-04-052	246-358-640	NEW-P	99-08-098	246-359-760	NEW	99-03-065
246-320-010	NEW	99-04-052	246-358-640	NEW	99-12-006	246-359-800	NEW	99-03-065
246-320-025	NEW	99-04-052	246-358-650	NEW-P	99-08-098	246-359-990	NEW	99-03-065
246-320-045	NEW	99-04-052	246-358-650	NEW	99-12-006	246-360-990	PREP	99-10-077
246-320-065	NEW	99-04-052	246-358-660	NEW-P	99-08-098	246-360-990	AMD-P	99-19-130
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246-320-125	NEW	99-04-052	246-358-670	NEW	99-12-006	246-560-010	AMD	99-03-043
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246-320-165	NEW	99-04-052	246-358-680	NEW	99-12-006	246-560-025	NEW	99-03-043
246-320-185	NEW	99-04-052	246-359-001	NEW	99-03-065	246-560-035	NEW	99-03-043
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246-320-225	NEW	99-04-052	246-359-010	NEW	99-03-065	246-560-045	NEW	99-03-043
246-320-245	NEW	99-04-052	246-359-020	NEW	99-03-065	246-560-050	AMD	99-03-043
246-320-265	NEW	99-04-052	246-359-030	NEW	99-03-065	246-560-060	AMD	99-03-043
246-320-285	NEW	99-04-052	246-359-040	NEW	99-03-065	246-560-065	NEW	99-03-043
246-320-305	NEW	99-04-052	246-359-050	NEW	99-03-065	246-560-070	REP	99-03-043
246-320-325	NEW	99-04-052	246-359-060	NEW	99-03-065	246-560-075	NEW	99-03-043
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246-320-365	NEW	99-04-052	246-359-080	NEW	99-03-065	246-560-085	NEW	99-03-043
246-320-385	NEW	99-04-052	246-359-090	NEW	99-03-065	246-562	PREP	99-15-101
246-320-405	NEW	99-04-052	246-359-100	NEW	99-03-065	246-650-990	AMD-P	99-16-115
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246-320-505	NEW	99-04-052	246-359-120	NEW	99-03-065	246-760	PREP	99-11-030
246-320-515	NEW	99-04-052	246-359-130	NEW	99-03-065	246-762	PREP	99-11-031
246-320-525	NEW	99-04-052	246-359-140	NEW	99-03-065	246-790	PREP	99-13-082
246-320-535	NEW	99-04-052	246-359-150	NEW	99-03-065	246-802-990	AMD-P	99-02-057
246-320-545	NEW	99-04-052	246-359-160	NEW	99-03-065	246 802 990	AMD	99 08-101
246-320-555	NEW	99-04-052	246-359-170	NEW	99-03-065	246-808-101	REP-XR	99-03-061
246-320-565	NEW	99-04-052	246-359-180	NEW	99-03-065	246-808-301	REP-XR	99-03-061
246-320-575	NEW	99-04-052	246-359-200	NEW	99-03-065	246-808-320	REP-XR	99-03-061
246-320-585	NEW	99-04-052	246-359-210	NEW	99-03-065	246-808-330	REP-XR	99-03-061
246-320-595	NEW	99-04-052	246-359-220	NEW	99-03-065	246-808-340	REP-XR	99-03-061
246-320-605	NEW	99-04-052	246-359-230	NEW	99-03-065	246-808-350	REP-XR	99-03-061
246-320-615	NEW	99-04-052	246-359-240	NEW	99-03-065	246-808-360	REP-XR	99-03-061
246-320-625	NEW	99-04-052	246-359-250	NEW	99-03-065	246-808-370	REP-XR	99-03-061
246-320-635	NEW	99-04-052	246-359-300	NEW	99-03-065	246-808-380	REP-XR	99-03-061
246-320-645	NEW	99-04-052	246-359-310	NEW	99-03-065	246-808-390	REP-XR	99-03-061
246-320-655	NEW	99-04-052	246-359-320	NEW	99-03-065	246-808-640	REP-XR	99-03-061
246-320-665	NEW	99-04-052	246-359-330	NEW	99-03-065	246-808-990	AMD-P	99-02-057
246-320-675	NEW	99-04-052	246-359-340	NEW	99-03-065	246-808-990	AMD	99-08-101
246-320-685	NEW	99-04-052	246-359-350	NEW	99-03-065	246-810-990	AMD-P	99-02-057
246-320-695	NEW	99-04-052	246-359-400	NEW	99-03-065	246-810-990	AMD	99-08-101
246-320-705	NEW	99-04-052	246-359-405	NEW	99-03-065	246-811-010	NEW-P	99-09-100
246-320-715	NEW	99-04-052	246-359-410	NEW	99-03-065	246-811-010	NEW	99-13-084
246-320-725	NEW	99-04-052	246-359-420	NEW	99-03-065	246-811-030	NEW-P	99-09-100

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246-811-045	NEW-P	99-09-100	246-840-565	PREP	99-11-032	246-922-100	AMD	99-14-074
246-811-045	NEW	99-13-084	246-840-730	AMD-P	99-18-082	246-922-300	AMD-P	99-15-104
246-811-046	NEW-P	99-09-100	246-840-740	NEW	99-04-051	246-922-310	AMD-P	99-15-104
246-811-046	NEW	99-13-084	246-840-760	PREP	99-11-032	246-924-180	AMD-P	99-09-101
246-811-047	NEW-P	99-09-100	246-840-840	PREP	99-14-002	246-924-180	AMD	99-14-075
246-811-047	NEW	99-13-084	246-840-850	PREP	99-14-002	246-924-230	AMD-P	99-09-101
246-811-048	NEW-P	99-09-100	246-840-860	PREP	99-14-002	246-924-230	AMD	99-14-075
246-811-048	NEW	99-13-084	246-840-870	PREP	99-14-002	246-924-240	AMD-P	99-09-101
246-811-049	NEW-P	99-09-100	246-840-880	PREP	99-14-002	246-924-240	AMD	99-14-075
246-811-049	NEW	99-13-084	246-840-890	PREP	99-14-002	246-924-250	AMD-P	99-09-101
246-811-070	NEW-P	99-09-100	246-840-900	PREP	99-14-002	246-924-250	AMD	99-14-075
246-811-070	NEW	99-13-084	246-840-920	PREP	99-11-032	246-924-300	AMD-P	99-09-101
246-811-075	NEW-P	99-09-100	246-841-990	PREP	99-16-114	246-924-300	AMD	99-14-075
246-811-075	NEW	99-13-084	246-843-060	REP	99-03-069	246-924-330	AMD-P	99-09-101
246-811-080	NEW-P	99-09-100	246-843-200	REP	99-03-068	246-924-330	AMD	99-14-075
246-811-080	NEW	99-13-084	246-843-220	REP	99-03-067	246-924-340	REP-P	99-09-101
246-811-990	NEW-P	99-09-100	246-843-225	REP	99-03-067	246-924-340	REP	99-14-075
246-811-990	NEW	99-13-084	246-845-990	AMD-P	99-02-057	246-924-990	AMD-P	99-02-057
246-812-990	AMD-XA	99-18-081	246-845-990	AMD	99-08-101	246-924-990	AMD	99-08-101
246-817-990	AMD-P	99-02-057	246-847-990	AMD-P	99-02-057	246-926-990	AMD-P	99-02-057
246-817-990	AMD	99-08-101	246-847-990	AMD	99-08-101	246-926-990	AMD	99-08-101
246-822-990	AMD-P	99-02-057	246-849-990	AMD-P	99-02-057	246-928-990	AMD-P	99-02-057
246-822-990	AMD	99-08-101	246-849-990	AMD	99-08-101	246-928-990	AMD	99-08-101
246-828-045	NEW	99-08-102	246-850-060	NEW-P	99-03-083	246-930-330	PREP	99-14-001
246-828-061	NEW-P	99-11-036	246-850-060	NEW	99-07-122	246-930-499	REP	99-07-018
246-828-061	NEW	99-19-059	246-851-270	REP	99-16-047	246-930-990	AMD-P	99-02-057
246-828-105	AMD-XA	99-08-096	246-851-340	REP	99-16-047	246-930-990	AMD	99-08-101
246-828-105	AMD	99-19-058	246-851-360	REP	99-16-047	246-935-040	PREP	99-15-103
246-828-110	REP	99-07-020	246-851-990	AMD-P	99-02-057	246-935-050	PREP	99-15-103
246-828-120	REP	99-07-020	246-851-990	AMD	99-08-101	246-935-060	PREP	99-15-103
246-828-130	REP	99-07-020	246-883-020	AMD-P	99-18-083	246-935-140	REP-XR	99-02-080
246-828-140	REP	99-07-020	246-887-160	AMD-XA	99-16-116	246-935-140	REP	99-14-076
246-828-150	REP	99-07-020	246-888-010	NEW-P	99-18-084	248-554-001	PREP	99-17-058
246-828-160	REP	99-07-020	246-888-020	NEW-P	99-18-084	248-554-005	PREP	99-17-058
246-828-170	REP	99-07-020	246-888-030	NEW-P	99-18-084	248-554-010	PREP	99-17-058
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246-828-190	REP	99-07-020	246-888-050	NEW-P	99-18-084	248-554-018	PREP	99-17-058
246-828-200	REP	99-07-020	246-888-060	NEW-P	99-18-084	248-554-020	PREP	99-17-058
246-828-210	REP	99-07-020	246-888-070	NEW-P	99-18-084	248-554-030	PREP	99-17-058
246-828-230	REP	99-07-020	246-888-080	NEW-P	99-18-084	250-04-010	REP-XR	99-19-148
246-828-240	REP	99-07-020	246-888-090	NEW-P	99-18-084	250-04-020	REP-XR	99-19-148
246-828-250	REP	99-07-020	246-888-100	NEW-P	99-18-084	250-04-030	REP-XR	99-19-148
246-828-260	REP	99-07-020	246-888-110	NEW-P	99-18-084	250-04-040	REP-XR	99-19-148
246-828-280	REP-XR	99-16-046	246-915-990	AMD-P	99-02-057	250-04-050	REP-XR	99-19-148
246-828-290	AMD	99-08-103	246-915-990	AMD	99-08-101	250-04-060	REP-XR	99-19-148
246-828-310	REP	99-07-020	246-918-115	NEW-P	99-07-121	250-04-070	REP-XR	99-19-148
246-828-340	REP	99-07-019	246-918-116	NEW-P	99-07-121	250-04-080	REP-XR	99-19-148
246-830-990	AMD-P	99-02-057	246-918-171	NEW-P	99-18-085	250-08-010	REP-XR	99-19-148
246-830-990	AMD	99-08-101	246-918-990	AMD-P	99-06-093	250-08-020	REP-XR	99-19-148
246-834-050	NEW	99-03-064	246-918-990	AMD	99-13-087	250-08-030	REP-XR	99-19-148
246-834-060	AMD	99-03-064	246-918-990	AMD-P	99-18-085	250-08-040	REP-XR	99-19-148
246-834-070	AMD	99-03-064	246-919-421	NEW-P	99-18-085	250-20-001	AMD-P	99-10-074
246-834-080	AMD	99-03-064	246-919-430	AMD-P	99-18-085	250-20-001	AMD	99-16-015
246-834-990	PREP	99-06-090	246-919-450	AMD-P	99-18-085	250-20-011	AMD-P	99-10-074
246-838-040	REP	99-08-104	246-919-460	AMD-P	99-18-085	250-20-011	AMD	99-16-015
246-840	PREP	99-11-033	246-919-630	NEW-P	99-07-121	250-20-021	AMD-P	99-10-074
246-840-010	PREP	99-11-032	246-919-640	NEW-P	99-07-121	250-20-021	AMD	99-16-015
246-840-020	AMD-P	99-06-092	246-919-800	NEW-P	99-18-086	250-20-031	AMD-P	99-10-074
246-840-020	AMD	99-10-079	246-919-810	NEW-P	99-18-086	250-20-031	AMD	99-16-015
246-840-020	PREP	99-11-032	246-919-820	NEW-P	99-18-086	250-20-041	AMD-P	99-10-074
246-840-050	AMD-P	99-08-099	246-919-830	NEW-P	99-18-086	250-20-041	AMD	99-16-015
246-840-050	AMD	99-13-086	246-919-990	AMD-P	99-18-085	250-61-060	AMD	99-06-022
246-840-070	AMD-P	99-08-099	246-922-010	AMD-P	99-08-100	250-61-090	AMD	99-06-021
246-840-070	AMD	99-13-086	246-922-010	AMD	99-14-074	250-79	PREP	99-10-070
246-840-090	AMD-P	99-08-099	246-922-090	REP-P	99-08-100	250-79-030	NEW-E	99-14-034
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251-01-014	NEW	99-05-042	275-25-030	DECOD	99-19-104	275-27-200	DECOD	99-19-104
251-01-015	AMD-P	99-02-054	275-25-040	DECOD	99-19-104	275-27-202	NEW	99-04-071
251-01-015	AMD	99-05-042	275-25-520	DECOD	99-19-104	275-27-202	DECOD	99-19-104
251-01-040	AMD-P	99-02-054	275-25-527	DECOD	99-19-104	275-27-204	NEW	99-04-071
251-01-040	AMD	99-05-042	275-25-530	DECOD	99-19-104	275-27-204	DECOD	99-19-104
251-01-190	AMD-P	99-02-054	275-25-755	DECOD	99-19-104	275-27-211	NEW	99-04-071
251-01-190	AMD	99-05-042	275-26-005	DECOD	99-19-104	275-27-211	DECOD	99-19-104
251-01-330	REP-P	99-02-054	275-26-010	DECOD	99-19-104	275-27-212	NEW	99-04-071
251-01-330	REP	99-05-042	275-26-019	DECOD	99-19-104	275-27-212	DECOD	99-19-104
251-01-345	AMD-P	99-16-101	275-26-020	DECOD	99-19-104	275-27-213	NEW	99-04-071
251-01-400	AMD-P	99-02-054	275-26-021	DECOD	99-19-104	275-27-213	DECOD	99-19-104
251-01-400	AMD	99-05-042	275-26-022	DECOD	99-19-104	275-27-219	DECOD	99-19-104
251-01-420	REP-P	99-02-054	275-26-025	DECOD	99-19-104	275-27-220	DECOD	99-19-104
251-01-420	REP	99-05-042	275-26-050	DECOD	99-19-104	275-27-222	DECOD	99-19-104
251-01-435	AMD-P	99-13-106	275-26-055	DECOD	99-19-104	275-27-223	DECOD	99-19-104
251-01-435	AMD	99-19-118	275-26-060	DECOD	99-19-104	275-27-230	DECOD	99-19-104
251-01-440	AMD-P	99-02-054	275-26-065	DECOD	99-19-104	275-27-240	DECOD	99-19-104
251-01-440	AMD	99-05-042	275-26-070	DECOD	99-19-104	275-27-250	DECOD	99-19-104
251-11-130	AMD-P	99-13-106	275-26-071	DECOD	99-19-104	275-27-400	DECOD	99-19-104
251-11-130	AMD	99-19-118	275-26-072	DECOD	99-19-104	275-27-500	DECOD	99-19-104
251-17-090	AMD-P	99-02-054	275-26-073	DECOD	99-19-104	275-27-800	DECOD	99-19-104
251-17-090	AMD	99-05-042	275-26-074	DECOD	99-19-104	275-27-810	DECOD	99-19-104
251-19-050	AMD-P	99-13-106	275-26-075	DECOD	99-19-104	275-27-820	DECOD	99-19-104
251-19-050	AMD	99-19-118	275-26-076	DECOD	99-19-104	275-30-010	AMD	99-03-077
251-19-060	AMD-P	99-13-106	275-26-077	DECOD	99-19-104	275-30-030	AMD	99-03-077
251-19-060	AMD	99-19-118	275-26-087	DECOD	99-19-104	275-30-040	AMD	99-03-077
251-19-180	NEW-P	99-16-102	275-26-095	DECOD	99-19-104	275-30-050	REP	99-03-077
251-19-180	NEW	99-19-119	275-26-097	DECOD	99-19-104	275-30-060	AMD	99-03-077
251-20-020	AMD-P	99-16-101	275-26-100	DECOD	99-19-104	275-30-070	AMD	99-03-077
251-20-030	AMD-P	99-16-101	275-26-107	DECOD	99-19-104	275-30-080	REP	99-03-077
251-23-010	AMD-P	99-02-054	275-26-110	DECOD	99-19-104	275-31-005	DECOD	99-19-104
251-23-010	AMD	99-05-042	275-26-115	DECOD	99-19-104	275-31-010	DECOD	99-19-104
251-23-030	AMD-P	99-02-054	275-27	PREP	99-10-063	275-31-020	DECOD	99-19-104
251-23-030	AMD	99-05-042	275-27-020	AMD	99-04-071	275-31-030	DECOD	99-19-104
251-23-040	AMD-P	99-02-054	275-27-020	DECOD-P	99-15-043	275-31-040	DECOD	99-19-104
251-23-040	AMD	99-05-042	275-27-020	AMD-P	99-15-043	275-31-050	DECOD	99-19-104
251-23-050	AMD-P	99-02-054	275-27-023	DECOD	99-19-104	275-31-070	DECOD	99-19-104
251-23-050	AMD	99-05-042	275-27-026	DECOD	99-19-104	275-31-080	DECOD	99-19-104
251-23-060	AMD-P	99-02-054	275-27-030	DECOD	99-19-104	275-31-090	DECOD	99-19-104
251-23-060	AMD	99-05-042	275-27-040	DECOD	99-19-104	275-38-001	DECOD	99-19-104
251-24-030	AMD-P	99-02-054	275-27-050	DECOD	99-19-104	275-38-003	DECOD	99-19-104
251-24-030	AMD	99-05-042	275-27-060	DECOD	99-19-104	275-38-005	DECOD	99-19-104
251-24-030	AMD-P	99-13-105	275-27-180	NEW	99-04-071	275-38-015	DECOD	99-19-104
251-24-030	AMD	99-19-115	275-27-180	DECOD	99-19-104	275-38-020	DECOD	99-19-104
251-24-040	AMD-W	99-05-058	275-27-185	NEW	99-04-071	275-38-025	DECOD	99-19-104
260-24-560	AMD	99-05-048	275-27-185	DECOD	99-19-104	275-38-030	DECOD	99-19-104
260-44-110	AMD-P	99-02-082	275-27-190	NEW	99-04-071	275-38-035	DECOD	99-19-104
260-44-110	AMD	99-05-049	275-27-190	DECOD	99-19-104	275-38-045	DECOD	99-19-104
260-44-120	AMD-P	99-02-082	275-27-191	NEW	99-04-071	275-38-050	DECOD	99-19-104
260-44-120	AMD	99-05-049	275-27-191	DECOD	99-19-104	275-38-055	DECOD	99-19-104
260-48-600	AMD-P	99-02-081	275-27-192	NEW	99-04-071	275-38-060	DECOD	99-19-104
260-48-600	AMD	99-06-026	275-27-192	DECOD	99-19-104	275-38-065	DECOD	99-19-104
260-48-620	AMD-P	99-02-081	275-27-193	NEW	99-04-071	275-38-075	DECOD	99-19-104
260-48-620	AMD	99-06-026	275-27-193	DECOD	99-19-104	275-38-080	DECOD	99-19-104
260-48-700	NEW-P	99-02-081	275-27-194	NEW	99-04-071	275-38-090	DECOD	99-19-104
260-48-700	NEW	99-06-026	275-27-194	DECOD	99-19-104	275-38-510	DECOD	99-19-104
260-48-710	NEW-P	99-02-081	275-27-195	NEW	99-04-071	275-38-515	DECOD	99-19-104
260-48-710	NEW	99-06-026	275-27-195	DECOD	99-19-104	275-38-520	DECOD	99-19-104
260-48-720	NEW-P	99-02-081	275-27-196	NEW	99-04-071	275-38-525	DECOD	99-19-104
260-48-720	NEW	99-06-026	275-27-196	DECOD	99-19-104	275-38-530	DECOD	99-19-104
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260-48-910	NEW	99-06-026	275-27-197	DECOD	99-19-104	275-38-540	DECOD	99-19-104
260-52-070	AMD	99-05-047	275-27-198	NEW	99-04-071	275-38-545	DECOD	99-19-104
260-75	PREP	99-03-014	275-27-198	DECOD	99-19-104	275-38-546	DECOD	99-19-104
275-25-010	DECOD	99-19-104	275-27-199	NEW	99-04-071	275-38-550	DECOD	99-19-104

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275- 38-560	DECOD	99-19-104	275- 38-889	DECOD	99-19-104	284- 91-060	NEW-P	99-14-085
275- 38-565	DECOD	99-19-104	275- 38-890	DECOD	99-19-104	284- 91-060	NEW	99-18-039
275- 38-570	DECOD	99-19-104	275- 38-892	DECOD	99-19-104	284- 96-015	AMD-P	99-19-173
275- 38-585	DECOD	99-19-104	275- 38-895	DECOD	99-19-104	286- 26-100	PREP	99-08-092
275- 38-586	DECOD	99-19-104	275- 38-900	DECOD	99-19-104	286- 26-100	AMD-P	99-08-114
275- 38-590	DECOD	99-19-104	275- 38-903	DECOD	99-19-104	286- 26-100	AMD	99-16-009
275- 38-595	DECOD	99-19-104	275- 38-906	DECOD	99-19-104	292-100-005	NEW	99-06-073
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275- 38-605	DECOD	99-19-104	275- 38-915	DECOD	99-19-104	292-100-007	NEW	99-06-073
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275- 38-615	DECOD	99-19-104	275- 38-925	DECOD	99-19-104	292-100-020	AMD	99-06-073
275- 38-620	DECOD	99-19-104	275- 38-930	DECOD	99-19-104	292-100-030	AMD	99-06-073
275- 38-625	DECOD	99-19-104	275- 38-935	DECOD	99-19-104	292-100-040	AMD	99-06-073
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275- 38-650	DECOD	99-19-104	275- 38-945	DECOD	99-19-104	292-100-060	AMD	99-06-073
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275- 38-660	DECOD	99-19-104	275- 38-955	DECOD	99-19-104	292-100-080	AMD	99-06-073
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275- 38-831	DECOD	99-19-104	284- 43-350	NEW-P	99-12-106	296- 15-02604	REP-P	99-18-067
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296-24-23029	AMD-P	99-16-084	296-31-065	AMD-P	99-15-100	296-50-080	REP	99-16-085
296-24-23031	AMD-P	99-16-084	296-31-067	PREP	99-10-101	296-50-090	REP-XR	99-12-090
296-24-23033	AMD-P	99-16-084	296-31-067	NEW-P	99-15-100	296-50-090	REP	99-16-085
296-24-23035	AMD-P	99-16-084	296-31-068	PREP	99-10-101	296-50-100	REP-XR	99-12-090
296-24-23037	NEW-P	99-16-084	296-31-068	NEW-P	99-15-100	296-50-100	REP	99-16-085
296-24-23529	AMD-XA	99-12-089	296-31-068	NEW-P	99-15-100	296-50-100	REP	99-16-085
296-24-47505	AMD-XA	99-12-089	296-31-070	AMD-XA	99-16-112	296-50-110	REP-XR	99-12-090
296-24-47505	AMD	99-17-094	296-31-071	AMD	99-07-004	296-50-110	REP	99-16-085
296-24-47507	AMD-XA	99-12-089	296-31-072	AMD	99-07-004	296-50-120	REP-XR	99-12-090
296-24-47507	AMD	99-17-094	296-31-073	AMD	99-07-004	296-50-120	REP	99-16-085
296-24-47511	AMD-XA	99-12-089	296-31-074	NEW-XA	99-16-112	296-50-130	REP-XR	99-12-090
296-24-47511	AMD	99-17-094	296-31-075	AMD	99-07-004	296-50-130	REP	99-16-085
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296-24-51017	AMD-XA	99-12-089	296-32	PREP	99-02-083	296-50-160	REP-XR	99-12-090
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296-50-180	REP	99-16-085	296-54-51510	NEW-P	99-08-072	296-54-549	AMD	99-17-117
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296-50-200	REP	99-16-085	296-54-51530	NEW-P	99-08-072	296-54-553	AMD	99-17-117
296-50-210	REP-XR	99-12-090	296-54-51530	NEW	99-17-117	296-54-555	AMD-P	99-08-072
296-50-210	REP	99-16-085	296-54-517	AMD-P	99-08-072	296-54-555	AMD	99-17-117
296-50-220	REP-XR	99-12-090	296-54-517	AMD	99-17-117	296-54-557	AMD-P	99-08-072
296-50-220	REP	99-16-085	296-54-519	AMD-P	99-08-072	296-54-557	AMD	99-17-117
296-50-230	REP-XR	99-12-090	296-54-519	AMD	99-17-117	296-54-55710	NEW-P	99-08-072
296-50-230	REP	99-16-085	296-54-521	AMD-P	99-08-072	296-54-55710	NEW	99-17-117
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296-52-421	AMD	99-17-094	296-54-523	AMD	99-17-117	296-54-55730	NEW	99-17-117
296-52-425	AMD-XA	99-12-089	296-54-523	RECOD	99-17-117	296-54-559	AMD-P	99-08-072
296-52-425	AMD	99-17-094	296-54-525	REP-P	99-08-072	296-54-559	DECOD	99-17-117
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296-52-437	AMD-XA	99-12-089	296-54-529	AMD-P	99-08-072	296-54-563	AMD	99-17-117
296-52-437	AMD	99-17-094	296-54-529	RECOD	99-17-117	296-54-565	AMD-P	99-08-072
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296-52-449	AMD	99-17-094	296-54-531	AMD-P	99-08-072	296-54-567	AMD-P	99-08-072
296-52-477	AMD-XA	99-12-089	296-54-531	RECOD	99-17-117	296-54-567	AMD	99-17-117
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296-52-489	AMD-XA	99-12-089	296-54-533	AMD-P	99-08-072	296-54-569	AMD	99-17-117
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296-52-493	AMD	99-17-094	296-54-535	AMD-P	99-08-072	296-54-573	AMD-P	99-08-072
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296-54	PREP	99-12-037	296-54-535	RECOD	99-17-117	296-54-57310	NEW-P	99-08-072
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296-54-501	AMD	99-17-117	296-54-537	AMD	99-17-117	296-54-57315	NEW-P	99-08-072
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296-54-503	AMD	99-17-117	296-54-539	AMD	99-17-117	296-54-57320	NEW-P	99-08-072
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296-54-505	AMD	99-17-117	296-54-53910	NEW	99-17-117	296-54-57325	NEW-P	99-08-072
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296-54-509	AMD-P	99-08-072	296-54-53930	NEW-P	99-08-072	296-54-57330	NEW	99-17-117
296-54-509	AMD	99-17-117	296-54-53930	NEW	99-17-117	296-54-57335	NEW-P	99-08-072
296-54-511	AMD-P	99-08-072	296-54-53940	NEW-P	99-08-072	296-54-57335	NEW	99-17-117
296-54-511	AMD	99-17-117	296-54-53940	NEW	99-17-117	296-54-57340	NEW-P	99-08-072
296-54-51110	NEW-P	99-08-072	296-54-541	AMD-P	99-08-072	296-54-57340	NEW	99-17-117
296-54-51110	NEW	99-17-117	296-54-541	AMD	99-17-117	296-54-57345	NEW-P	99-08-072
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296-54-51130	NEW-P	99-08-072	296-54-545	AMD-P	99-08-072	296-54-57350	NEW	99-17-117
296-54-51130	NEW	99-17-117	296-54-545	AMD	99-17-117	296-54-57355	NEW-P	99-08-072
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296-54-58940	NEW-P	99-08-072	296-54-99009	REP-P	99-08-072	296-62-07210	NEW	99-10-071
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296-54-58970	NEW-P	99-08-072	296-56	PREP	99-02-083	296-62-07219	NEW	99-10-071
296-54-58970	NEW	99-17-117	296-56	PREP	99-12-037	296-62-07222	NEW	99-10-071
296-54-591	AMD-P	99-08-072	296-56-60053	AMD	99-10-071	296-62-07223	NEW	99-10-071
296-54-591	AMD	99-17-117	296-56-60077	AMD-P	99-16-084	296-62-07224	NEW	99-10-071
296-54-593	AMD-P	99-08-072	296-56-60235	AMD	99-10-071	296-62-07225	NEW	99-10-071
296-54-593	AMD	99-17-117	296-59	PREP	99-02-083	296-62-07230	NEW	99-10-071
296-54-59310	NEW-P	99-08-072	296-59	PREP	99-06-040	296-62-07231	NEW	99-10-071
296-54-59310	NEW	99-17-117	296-59-035	AMD-P	99-15-086	296-62-07233	NEW	99-10-071
296-54-59320	NEW-P	99-08-072	296-59-040	REP-P	99-15-086	296-62-07234	NEW	99-10-071
296-54-59320	NEW	99-17-117	296-62	PREP	99-02-083	296-62-07235	NEW	99-10-071
296-54-59330	NEW-P	99-08-072	296-62	PREP	99-04-057	296-62-07236	NEW	99-10-071
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296-54-59510	NEW	99-17-117	296-62-07107	AMD	99-10-071	296-62-07246	NEW	99-10-071
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296-54-597	AMD	99-17-117	296-62-07115	AMD	99-10-071	296-62-07253	NEW	99-10-071
296-54-59710	NEW-P	99-08-072	296-62-07117	AMD	99-10-071	296-62-07255	NEW	99-10-071
296-54-59710	NEW	99-17-117	296-62-07119	REP	99-10-071	296-62-07257	NEW	99-10-071
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296-54-59720	NEW	99-17-117	296-62-07130	NEW	99-10-071	296-62-07261	NEW	99-10-071
296-54-59730	NEW-P	99-08-072	296-62-07131	NEW	99-10-071	296-62-07263	NEW	99-10-071
296-54-59730	NEW	99-17-117	296-62-07132	NEW	99-10-071	296-62-07265	NEW	99-10-071
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296-54-599	REP	99-17-117	296-62-07150	NEW	99-10-071	296-62-07269	NEW	99-10-071
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296-54-601	AMD	99-17-117	296-62-07152	NEW	99-10-071	296-62-07273	NEW	99-10-071
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296-54-603	AMD	99-17-117	296-62-07154	NEW	99-10-071	296-62-07277	NEW	99-10-071
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296-54-607	AMD	99-17-117	296-62-07170	NEW	99-10-071	296-62-07289	NEW	99-10-071
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296-62-07703	AMD	99-17-026	296-62-20027	AMD	99-17-094	296-62-30940	NEW	99-07-097
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296-104-025	PREP	99-05-021	296-150C-0140	NEW	99-13-010	296-150F-0610	NEW	99-13-010
296-104-025	AMD-P	99-17-028	296-150C-0320	AMD-P	99-08-129	296-150F-0615	NEW-P	99-08-129
296-104-030	PREP	99-05-021	296-150C-0320	AMD	99-13-010	296-150F-0615	NEW	99-13-010
296-104-030	AMD-P	99-17-028	296-150C-0330	REP-XR	99-16-113	296-150F-0620	NEW-P	99-08-129
296-104-035	PREP	99-05-021	296-150C-0410	AMD-XA	99-17-116	296-150F-0620	NEW	99-13-010
296-104-035	AMD-P	99-17-028	296-150C-0500	AMD-XA	99-17-116	296-150F-0625	NEW-P	99-08-129
296-104-040	PREP	99-05-021	296-150C-0805	NEW-P	99-08-129	296-150F-0625	NEW	99-13-010
296-104-040	AMD-P	99-17-028	296-150C-0805	NEW	99-13-010	296-150F-3000	AMD-P	99-08-128
296-104-045	PREP	99-05-021	296-150C-0810	AMD-P	99-08-129	296-150F-3000	AMD	99-12-080
296-104-045	AMD-P	99-17-028	296-150C-0810	AMD	99-13-010	296-150M	PREP	99-05-078
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296-104-050	AMD-P	99-17-028	296-150C-0960	AMD	99-13-010	296-150M-0020	AMD	99-13-010
296-104-055	PREP	99-05-021	296-150C-1080	AMD-P	99-08-129	296-150M-0120	NEW-P	99-08-129
296-104-055	AMD-P	99-17-028	296-150C-1080	AMD	99-13-010	296-150M-0120	NEW	99-13-010
296-104-060	PREP	99-05-021	296-150C-1345	NEW-P	99-08-129	296-150M-0140	NEW-P	99-08-129
296-104-060	AMD-P	99-17-028	296-150C-1345	NEW	99-13-010	296-150M-0140	NEW	99-13-010
296-104-065	PREP	99-05-021	296-150C-1545	NEW-P	99-08-129	296-150M-0306	AMD-P	99-08-129
296-104-065	AMD-P	99-17-028	296-150C-1545	NEW	99-13-010	296-150M-0306	AMD	99-13-010
296-104-100	PREP	99-05-021	296-150C-1580	AMD-P	99-08-129	296-150M-0309	NEW-P	99-08-129
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296-150V-1120	NEW	99-18-069	296-155-17337	AMD	99-10-071	296-307-52011	AMD-P	99-16-084
296-150V-1170	NEW-P	99-13-200	296-155-17341	AMD	99-10-071	296-307-52019	AMD-P	99-16-084
296-150V-1170	NEW	99-18-069	296-155-17349	REP	99-10-071	296-307-52021	AMD-P	99-16-084
296-150V-1180	NEW-P	99-13-200	296-155-17351	REP	99-10-071	296-307-52023	AMD-P	99-16-084
296-150V-1180	NEW	99-18-069	296-155-17353	REP	99-10-071	296-307-52029	AMD-P	99-16-084
296-150V-1185	NEW-P	99-13-200	296-155-17355	REP	99-10-071	296-307-52030	NEW-P	99-16-084
296-150V-1185	NEW	99-18-069	296-155-17357	REP	99-10-071	296-307-52031	AMD-P	99-16-084
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308-93-570	REP	99-07-041	308-96A-097	REP	99-16-020	308-124-005	REP	99-03-042
308-93-580	REP	99-07-041	308-96A-098	NEW-P	99-13-081	308-124-007	AMD	99-03-042
308-93-590	REP	99-07-041	308-96A-098	NEW	99-19-026	308-124-021	AMD	99-03-042
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365-18-050	NEW-S	99-04-072	383-06-046	NEW-E	99-18-034	388-01-110	NEW	99-15-065
365-18-050	NEW-W	99-17-084	383-06-050	REP-E	99-18-034	388-01-120	NEW-P	99-11-085
365-18-050	NEW-S	99-18-105	383-06-060	REP-E	99-18-034	388-01-120	NEW	99-15-065
365-18-060	NEW-S	99-04-072	383-06-070	AMD-E	99-16-012	388-01-130	NEW-P	99-11-085
365-18-060	NEW-W	99-17-084	383-06-070	AMD-E	99-18-034	388-01-130	NEW	99-15-065
365-18-060	NEW-S	99-18-105	383-06-071	NEW-E	99-18-034	388-01-140	NEW-P	99-11-085
365-18-070	NEW-S	99-04-072	383-06-080	AMD-E	99-18-034	388-01-140	NEW	99-15-065
365-18-070	NEW-W	99-17-084	383-06-090	AMD-E	99-16-012	388-01-150	NEW-P	99-11-085
365-18-070	NEW-S	99-18-105	383-06-090	AMD-E	99-18-034	388-01-150	NEW	99-15-065
365-18-080	NEW-S	99-04-072	383-06-091	NEW-E	99-18-034	388-01-160	NEW-P	99-11-085
365-18-080	NEW-W	99-17-084	383-06-100	AMD-E	99-16-012	388-01-160	NEW	99-15-065
365-18-080	NEW-S	99-18-105	383-06-100	AMD-E	99-18-034	388-01-170	NEW-P	99-11-085
365-18-090	NEW-S	99-04-072	383-06-110	REP-E	99-18-034	388-01-170	NEW	99-15-065
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365-18-090	NEW-S	99-18-105	383-06-120	AMD-E	99-18-034	388-01-180	NEW	99-15-065
365-18-100	NEW-S	99-04-072	383-06-121	NEW-E	99-18-034	388-01-190	NEW-P	99-11-085
365-18-100	NEW-W	99-17-084	383-06-125	NEW-E	99-18-034	388-01-190	NEW	99-15-065
365-18-100	NEW-S	99-18-105	383-06-130	AMD-E	99-18-034	388-01-200	NEW	99-15-065
365-18-110	NEW-S	99-04-072	383-06-140	AMD-E	99-18-034	388-01-210	NEW-P	99-11-085
365-18-110	NEW-W	99-17-084	383-06-141	NEW-E	99-18-034	388-01-220	NEW-P	99-11-085
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388-04-050	RECOD	99-15-021	388-15-19670	PREP	99-18-042	388-78A-330	AMD-XA	99-09-052
388-04-060	RECOD	99-15-021	388-15-19680	AMD	99-03-041	388-78A-330	AMD	99-15-067
388-04-070	RECOD	99-15-021	388-15-19680	PREP	99-18-042	388-78A-335	PREP	99-18-015
388-08-410	AMD-XA	99-11-086	388-15-198	PREP	99-18-042	388-86-0022	PREP	99-05-044
388-08-410	AMD	99-16-023	388-15-202	PREP	99-09-051	388-86-018	PREP	99-13-190
388-08-413	AMD-XA	99-11-086	388-15-203	PREP	99-09-051	388-86-04001	PREP	99-19-088
388-08-413	AMD	99-16-023	388-15-205	PREP	99-09-051	388-86-045	REP-P	99-11-053
388-08-437	AMD-XA	99-11-086	388-15-220	PREP	99-17-054	388-86-045	REP	99-16-069
388-08-437	AMD	99-16-023	388-15-570	PREP	99-17-054	388-86-047	REP-P	99-05-073
388-08-440	AMD-XA	99-11-086	388-15-610	PREP	99-11-083	388-86-047	REP	99-09-007
388-08-440	AMD	99-16-023	388-15-650	NEW	99-12-072	388-86-059	PREP	99-06-043
388-08-464	AMD-XA	99-11-086	388-15-651	NEW	99-12-072	388-86-073	PREP	99-03-075
388-08-464	AMD	99-16-023	388-15-652	NEW	99-12-072	388-86-073	REP-P	99-11-071
388-08-470	AMD-XA	99-11-086	388-15-653	NEW	99-12-072	388-86-073	REP	99-16-068
388-08-470	AMD	99-16-023	388-15-654	NEW	99-12-072	388-86-090	PREP	99-11-084
388-08-515	AMD-XA	99-11-086	388-15-655	NEW	99-12-072	388-86-097	REP-P	99-08-122
388-08-515	AMD	99-16-023	388-15-656	NEW	99-12-072	388-86-097	REP	99-13-049
388-08-555	AMD-XA	99-11-086	388-15-657	NEW	99-12-072	388-86-098	REP-P	99-11-074
388-08-555	AMD	99-16-023	388-15-658	NEW	99-12-072	388-86-098	REP	99-16-071
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388-08-575	AMD	99-16-023	388-15-660	NEW	99-12-072	388-86-100	PREP	99-13-191
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388-10-020	DECOD	99-15-021	388-15-662	NEW	99-12-072	388-86-112	REP	99-17-111
388-10-030	DECOD	99-15-021	388-17	PREP	99-15-066	388-86-200	PREP	99-06-043
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388-10-050	DECOD	99-15-021	388-24-2430	PREP	99-17-053	388-87-0005	PREP	99-05-044
388-10-060	DECOD	99-15-021	388-60	PREP	99-17-057	388-87-0007	PREP	99-05-044
388-10-070	DECOD	99-15-021	388-71	PREP	99-18-042	388-87-0008	PREP	99-05-044
388-14-420	PREP	99-09-003	388-71	PREP	99-19-089	388-87-0010	PREP	99-05-044
388-14-420	AMD-E	99-09-004	388-71-0800	NEW-P	99-14-066	388-87-0011	PREP	99-05-044
388-14-420	AMD-P	99-17-010	388-71-0800	NEW	99-19-048	388-87-0020	PREP	99-05-044
388-14-420	AMD-E	99-17-012	388-71-0805	NEW-P	99-14-066	388-87-0025	PREP	99-05-044
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388-14-424	NEW-P	99-17-010	388-71-0815	NEW-P	99-14-066	388-87-065	REP-P	99-11-053
388-14-490	AMD-P	99-17-052	388-71-0815	NEW	99-19-048	388-87-065	REP	99-16-069
388-15	PREP	99-15-066	388-71-0820	NEW-P	99-14-066	388-87-079	PREP	99-06-043
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388-15-130	PREP	99-17-054	388-71-0825	NEW-P	99-14-066	388-87-080	REP	99-13-049
388-15-132	PREP	99-17-054	388-71-0825	NEW	99-19-048	388-87-090	PREP	99-11-084
388-15-134	PREP	99-17-054	388-71-0830	NEW-P	99-14-066	388-87-110	REP-W	99-11-060
388-15-150	PREP	99-17-054	388-71-0830	NEW	99-19-048	388-96-010	AMD-E	99-14-029
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388-15-170	DECOD	99-15-076	388-71-0835	NEW	99-19-048	388-96-202	AMD-P	99-19-024
388-15-171	DECOD	99-15-076	388-71-0840	NEW-P	99-14-066	388-96-218	AMD-E	99-14-029
388-15-174	DECOD	99-19-087	388-71-0840	NEW	99-19-048	388-96-218	AMD-P	99-19-024
388-15-175	DECOD	99-15-076	388-71-0845	NEW-P	99-14-066	388-96-384	AMD-P	99-19-024
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388-15-19600	PREP	99-18-042	388-78A-040	AMD-XA	99-09-052	388-96-585	AMD-P	99-19-024
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388-15-19640	AMD	99-03-041	388-78A-150	AMD	99-15-067	388-96-714	NEW-P	99-19-024
388-15-19640	PREP	99-18-042	388-78A-240	AMD-XA	99-09-052	388-96-718	AMD-P	99-19-024
388-15-19650	AMD	99-03-041	388-78A-240	AMD	99-15-067	388-96-723	AMD-E	99-14-029
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388-96-725	AMD-E	99-14-029	388-290-105	REP-P	99-08-121	388-290-950	PREP	99-17-024
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388-96-748	NEW-P	99-19-024	388-290-1300	NEW-P	99-08-121	388-310-0300	AMD	99-10-027
388-96-766	AMD-P	99-19-024	388-290-1350	NEW-P	99-08-121	388-310-0300	AMD-E	99-14-041
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388-96-776	AMD-P	99-19-024	388-290-200	NEW	99-14-023	388-310-0500	AMD	99-10-027
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388-165-110	RECOD	99-15-076	388-290-270	NEW	99-14-023	388-310-0600	AMD	99-10-027
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388-165-210	NEW-P	99-18-071	388-290-400	NEW	99-14-023	388-310-1000	AMD	99-10-027
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388-165-250	NEW-P	99-18-071	388-290-500	NEW	99-14-023	388-310-1200	AMD	99-10-027
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388-290-020	REP	99-14-023	388-290-600	NEW	99-14-023	388-310-1500	AMD	99-10-027
388-290-025	REP-P	99-08-121	388-290-650	NEW-P	99-08-121	388-310-1600	AMD-P	99-05-071
388-290-025	REP	99-14-023	388-290-650	NEW	99-14-023	388-310-1600	AMD	99-10-027
388-290-030	REP-P	99-08-121	388-290-700	NEW-P	99-08-121	388-310-1700	AMD-P	99-05-071
388-290-030	REP	99-14-023	388-290-700	NEW	99-14-023	388-310-1700	AMD	99-10-027
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388-290-035	REP	99-14-023	388-290-750	NEW	99-14-023	388-310-1800	AMD-P	99-05-071
388-290-050	REP-P	99-08-121	388-290-800	NEW-P	99-08-121	388-310-1800	AMD	99-10-027
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			388-290-920	PREP	99-17-024	388-320-110	REP	99-15-065
			388-290-925	NEW	99-14-023	388-320-115	REP-P	99-11-085
			388-290-930	NEW	99-14-023	388-320-115	REP	99-15-065
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388-320-133	REP-P	99-11-085	388-418-0010	REP-P	99-19-159	388-450-0100	AMD	99-16-024
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388-320-170	REP	99-15-065	388-418-0025	PREP	99-18-043	388-450-0140	AMD-P	99-12-116
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388-320-205	REP	99-15-065	388-418-0030	AMD	99-16-024	388-450-0160	AMD-P	99-12-116
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388-320-220	REP-P	99-11-085	388-424-0005	AMD	99-17-023	388-450-0180	REP-P	99-19-160
388-320-220	REP	99-15-065	388-424-0010	AMD-P	99-13-126	388-450-0185	AMD-P	99-12-116
388-320-225	REP-P	99-11-085	388-424-0010	AMD	99-17-023	388-450-0185	AMD	99-16-024
388-320-225	REP	99-15-065	388-426	PREP	99-08-120	388-450-0190	AMD-P	99-12-116
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388-320-370	REP	99-06-044	388-436-0005	REP	99-14-046	388-450-0215	AMD	99-16-024
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388-478-0075	AMD	99-19-005	388-527	AMD	99-11-076	388-543-2100	NEW-W	99-08-080
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388-513-1300	REP-P	99-16-067	388-533	PREP	99-06-043	388-550-2521	NEW	99-17-111
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388-513-1305	AMD	99-06-045	388-535-1010	NEW	99-07-023	388-550-2531	NEW	99-17-111
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388-550-2551	NEW	99-17-111	388-550-5300	AMD	99-14-025	388-551-2210	NEW-P	99-11-053
388-550-2561	NEW-P	99-14-038	388-550-5350	PREP	99-06-083	388-551-2210	NEW	99-16-069
388-550-2561	NEW	99-17-111	388-550-5350	AMD-P	99-09-087	388-551-2220	NEW-P	99-11-053
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388-550-3500	AMD	99-14-027	388-551-1300	NEW-P	99-05-073	388-552-310	NEW	99-13-049
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479-20-025	AMD-P	99-03-089	479-416-050	REP-E	99-19-006	480-09-620	AMD	99-05-031
479-20-025	AMD	99-08-021	479-420-010	REP-E	99-19-006	480-09-700	AMD	99-05-031
479-20-025	REP-E	99-19-006	479-420-011	REP-E	99-19-006	480-09-705	AMD	99-05-031
479-20-027	REP-E	99-19-006	479-420-013	REP-E	99-19-006	480-09-710	AMD	99-05-031
479-20-031	REP-E	99-19-006	479-420-016	REP-E	99-19-006	480-09-720	AMD	99-05-031
479-20-037	AMD-P	99-03-089	479-420-020	REP-E	99-19-006	480-09-730	AMD	99-05-031
479-20-037	AMD	99-08-021	479-420-025	REP-E	99-19-006	480-09-735	AMD	99-05-031
479-20-037	REP-E	99-19-006	479-420-027	REP-E	99-19-006	480-09-736	AMD	99-05-031
479-20-086	REP-E	99-19-006	479-420-031	REP-E	99-19-006	480-09-740	AMD	99-05-031
479-20-089	REP-E	99-19-006	479-420-037	REP-E	99-19-006	480-09-745	AMD	99-05-031
479-20-095	REP-E	99-19-006	479-420-086	REP-E	99-19-006	480-09-750	AMD	99-05-031
479-112-001	REP-E	99-19-006	479-420-089	REP-E	99-19-006	480-09-751	AMD	99-05-031
479-112-003	REP-E	99-19-006	479-420-095	REP-E	99-19-006	480-09-760	AMD	99-05-031
479-112-0055	REP-E	99-19-006	479-510-060	REP-E	99-19-006	480-09-770	AMD	99-05-031
479-112-007	REP-E	99-19-006	479-510-076	REP-E	99-19-006	480-09-780	AMD	99-05-031
479-112-008	REP-E	99-19-006	479-510-080	REP-E	99-19-006	480-09-800	AMD	99-05-031
479-112-009	REP-E	99-19-006	479-510-110	REP-E	99-19-006	480-09-810	AMD	99-05-031
479-112-010	REP-E	99-19-006	479-510-120	REP-E	99-19-006	480-09-815	AMD	99-05-031
479-112-017	REP-E	99-19-006	479-510-210	REP-E	99-19-006	480-09-820	AMD	99-05-031
479-112-018	REP-E	99-19-006	479-510-220	REP-E	99-19-006	480-09-830	REP	99-05-031
479-112-020	REP-E	99-19-006	479-510-410	AMD-P	99-03-088	480-12-100	REP-W	99-08-085
479-310-010	REP-E	99-19-006	479-510-410	AMD	99-08-020	480-12-370	RE-AD	99-08-026
479-310-050	REP-E	99-19-006	479-510-410	REP-E	99-19-006	480-12-375	REP	99-08-026
479-310-100	REP-E	99-19-006	479-510-420	AMD-P	99-03-088	480-12-375	REP-W	99-08-085
479-310-150	REP-E	99-19-006	479-510-420	AMD	99-08-020	480-14-060	AMD-XA	99-14-079
479-310-200	REP-E	99-19-006	479-510-420	REP-E	99-19-006	480-15-040	AMD-XA	99-14-079
479-312-010	REP-E	99-19-006	479-510-450	NEW-P	99-03-088	480-30-015	AMD-XA	99-14-079
479-312-050	REP-E	99-19-006	479-510-450	NEW	99-08-020	480-31-100	AMD-XA	99-14-079
479-312-100	REP-E	99-19-006	479-510-460	NEW-P	99-03-088	480-31-120	AMD-XA	99-14-079
479-312-150	REP-E	99-19-006	479-510-460	NEW	99-08-020	480-31-130	AMD-XA	99-14-079
479-312-200	REP-E	99-19-006	479-510-500	REP-E	99-19-006	480-31-140	AMD-XA	99-14-079
479-312-250	REP-E	99-19-006	480-09-005	NEW	99-05-031	480-40-015	AMD-XA	99-14-079
479-312-300	REP-E	99-19-006	480-09-010	AMD	99-05-031	480-60-010	AMD-P	99-15-083
479-316-010	REP-E	99-19-006	480-09-012	AMD	99-05-031	480-60-012	NEW-P	99-15-083
479-316-050	REP-E	99-19-006	480-09-100	AMD	99-05-031	480-60-014	NEW-P	99-15-083
479-316-100	REP-E	99-19-006	480-09-101	NEW	99-05-031	480-60-020	AMD-P	99-15-083
479-316-200	REP-E	99-19-006	480-09-115	AMD	99-05-031	480-60-030	AMD-P	99-15-083
479-316-250	REP-E	99-19-006	480-09-120	AMD	99-05-031	480-60-035	NEW-P	99-15-083
479-316-300	REP-E	99-19-006	480-09-125	AMD	99-05-031	480-60-040	AMD-P	99-15-083
479-320-050	REP-E	99-19-006	480-09-130	AMD	99-05-031	480-60-050	AMD-P	99-15-083
479-320-100	REP-E	99-19-006	480-09-135	AMD	99-05-031	480-60-060	AMD-P	99-15-083
479-320-150	REP-E	99-19-006	480-09-140	AMD	99-05-031	480-60-070	REP-P	99-15-083
479-320-200	REP-E	99-19-006	480-09-150	AMD	99-05-031	480-60-080	AMD-P	99-15-083
479-410-010	REP-E	99-19-006	480-09-200	AMD	99-05-031	480-60-090	AMD-P	99-15-083
479-410-020	REP-E	99-19-006	480-09-210	AMD	99-05-031	480-60-99002	REP-P	99-15-083
479-410-100	REP-E	99-19-006	480-09-220	AMD	99-05-031	480-60-99003	REP-P	99-15-083
479-410-150	REP-E	99-19-006	480-09-230	AMD	99-05-031	480-62	PREP	99-08-053
479-410-160	REP-E	99-19-006	480-09-337	NEW-S	99-12-112	480-62-090	AMD-XA	99-14-079
479-410-170	REP-E	99-19-006	480-09-340	AMD	99-05-031	480-66-010	REP-P	99-15-083
479-410-180	REP-E	99-19-006	480-09-390	AMD	99-05-031	480-66-020	REP-P	99-15-083
479-410-200	REP-E	99-19-006	480-09-400	AMD	99-05-031	480-66-030	REP-P	99-15-083
479-412-020	REP-E	99-19-006	480-09-410	AMD	99-05-031	480-66-040	REP-P	99-15-083
479-412-100	REP-E	99-19-006	480-09-420	AMD	99-05-031	480-66-050	REP-P	99-15-083
479-412-150	REP-E	99-19-006	480-09-425	AMD	99-05-031	480-66-060	REP-P	99-15-083
479-412-200	REP-E	99-19-006	480-09-426	AMD	99-05-031	480-66-070	REP-P	99-15-083
479-412-250	REP-E	99-19-006	480-09-430	AMD	99-05-031	480-66-100	NEW-P	99-15-083
479-412-300	REP-E	99-19-006	480-09-440	AMD	99-05-031	480-66-110	NEW-P	99-15-083
479-412-310	REP-E	99-19-006	480-09-460	AMD	99-05-031	480-66-120	NEW-P	99-15-083
479-416-010	REP-E	99-19-006	480-09-465	AMD	99-05-031	480-66-140	NEW-P	99-15-083
479-416-015	REP-E	99-19-006	480-09-466	AMD	99-05-031	480-66-150	NEW-P	99-15-083
479-416-016	REP-E	99-19-006	480-09-467	AMD	99-05-031	480-66-160	NEW-P	99-15-083
479-416-018	REP-E	99-19-006	480-09-470	AMD	99-05-031	480-66-170	NEW-P	99-15-083
479-416-020	REP-E	99-19-006	480-09-475	AMD	99-05-031	480-66-200	NEW-P	99-15-083

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-66-210	NEW-P	99-15-083	480-110-046	REP-S	99-12-112	480-110-365	NEW-S	99-12-112
480-66-220	NEW-P	99-15-083	480-110-051	REP-W	99-07-053	480-110-375	NEW-S	99-12-112
480-66-230	NEW-P	99-15-083	480-110-051	REP-S	99-12-112	480-110-385	NEW-S	99-12-112
480-66-300	NEW-P	99-15-083	480-110-056	REP-W	99-07-053	480-110-395	NEW-S	99-12-112
480-66-310	NEW-P	99-15-083	480-110-056	REP-S	99-12-112	480-110-405	NEW-S	99-12-112
480-66-320	NEW-P	99-15-083	480-110-061	REP-W	99-07-053	480-110-415	NEW-S	99-12-112
480-66-330	NEW-P	99-15-083	480-110-061	REP-S	99-12-112	480-110-425	NEW-S	99-12-112
480-66-400	NEW-P	99-15-083	480-110-066	REP-W	99-07-053	480-110-435	NEW-S	99-12-112
480-66-410	NEW-P	99-15-083	480-110-066	REP-S	99-12-112	480-110-445	NEW-S	99-12-112
480-66-420	NEW-P	99-15-083	480-110-071	REP-W	99-07-053	480-110-455	NEW-S	99-12-112
480-66-430	NEW-P	99-15-083	480-110-071	REP-S	99-12-112	480-110-465	NEW-S	99-12-112
480-66-440	NEW-P	99-15-083	480-110-076	REP-W	99-07-053	480-110-475	NEW-S	99-12-112
480-66-450	NEW-P	99-15-083	480-110-076	REP-S	99-12-112	480-110-485	NEW-S	99-12-112
480-66-460	NEW-P	99-15-083	480-110-081	REP-W	99-07-053	480-110-495	NEW-S	99-12-112
480-66-470	NEW-P	99-15-083	480-110-081	REP-S	99-12-112	480-110-500	NEW-W	99-07-053
480-66-480	NEW-P	99-15-083	480-110-086	REP-W	99-07-053	480-110-510	NEW-W	99-07-053
480-66-490	NEW-P	99-15-083	480-110-086	REP-S	99-12-112	480-110-520	NEW-W	99-07-053
480-66-500	NEW-P	99-15-083	480-110-091	REP-W	99-07-053	480-110-530	NEW-W	99-07-053
480-66-510	NEW-P	99-15-083	480-110-091	REP-S	99-12-112	480-110-540	NEW-W	99-07-053
480-66-520	NEW-P	99-15-083	480-110-096	REP-W	99-07-053	480-110-550	NEW-W	99-07-053
480-66-600	NEW-P	99-15-083	480-110-096	REP-S	99-12-112	480-110-560	NEW-W	99-07-053
480-66-620	NEW-P	99-15-083	480-110-101	REP-W	99-07-053	480-110-570	NEW-W	99-07-053
480-70	PREP	99-08-012	480-110-101	REP-S	99-12-112	480-110-580	NEW-W	99-07-053
480-70-055	AMD-XA	99-14-079	480-110-111	REP-W	99-07-053	480-110-590	NEW-W	99-07-053
480-75-005	AMD-XA	99-14-079	480-110-111	REP-S	99-12-112	480-110-600	NEW-W	99-07-053
480-80	PREP	99-19-086	480-110-116	REP-W	99-07-053	480-110-610	NEW-W	99-07-053
480-90	PREP	99-08-052	480-110-116	REP-S	99-12-112	480-110-620	NEW-W	99-07-053
480-92-011	AMD	99-05-016	480-110-121	REP-W	99-07-053	480-110-630	NEW-W	99-07-053
480-92-016	NEW	99-05-016	480-110-121	REP-S	99-12-112	480-110-640	NEW-W	99-07-053
480-92-021	AMD	99-05-016	480-110-126	REP-W	99-07-053	480-110-650	NEW-W	99-07-053
480-92-031	AMD	99-05-016	480-110-126	REP-S	99-12-112	480-110-660	NEW-W	99-07-053
480-92-041	NEW	99-05-016	480-110-131	REP-W	99-07-053	480-110-670	NEW-W	99-07-053
480-92-050	AMD	99-05-016	480-110-131	REP-S	99-12-112	480-110-680	NEW-W	99-07-053
480-92-060	AMD	99-05-016	480-110-136	REP-W	99-07-053	480-110-690	NEW-W	99-07-053
480-92-070	AMD	99-05-016	480-110-136	REP-S	99-12-112	480-110-700	NEW-W	99-07-053
480-92-080	AMD	99-05-016	480-110-141	REP-W	99-07-053	480-110-710	NEW-W	99-07-053
480-92-090	AMD	99-05-016	480-110-141	REP-S	99-12-112	480-110-720	NEW-W	99-07-053
480-92-100	AMD	99-05-016	480-110-146	REP-W	99-07-053	480-110-730	NEW-W	99-07-053
480-92-110	AMD	99-05-016	480-110-146	REP-S	99-12-112	480-110-740	NEW-W	99-07-053
480-93-010	AMD-XA	99-14-079	480-110-151	REP-W	99-07-053	480-110-750	NEW-W	99-07-053
480-100	PREP	99-08-105	480-110-151	REP-S	99-12-112	480-110-760	NEW-W	99-07-053
480-100-076	PREP	99-19-155	480-110-156	REP-W	99-07-053	480-110-770	NEW-W	99-07-053
480-100-186	PREP	99-19-155	480-110-156	REP-S	99-12-112	480-110-780	NEW-W	99-07-053
480-100-191	PREP	99-19-155	480-110-161	REP-W	99-07-053	480-110-790	NEW-W	99-07-053
480-110-011	REP-W	99-07-053	480-110-161	REP-S	99-12-112	480-120	PREP	99-09-027
480-110-011	REP-S	99-12-112	480-110-166	REP-W	99-07-053	480-120-052	NEW	99-10-013
480-110-016	REP-W	99-07-053	480-110-166	REP-S	99-12-112	480-120-058	NEW	99-10-013
480-110-016	REP-S	99-12-112	480-110-171	REP-W	99-07-053	480-120-139	AMD-P	99-07-107
480-110-018	REP-W	99-07-053	480-110-171	REP-S	99-12-112	480-120-139	AMD	99-11-070
480-110-018	REP-S	99-12-112	480-110-176	REP-W	99-07-053	480-120-144	NEW	99-05-015
480-110-021	REP-W	99-07-053	480-110-176	REP-S	99-12-112	480-120-151	NEW	99-05-015
480-110-021	REP-S	99-12-112	480-110-205	NEW-S	99-12-112	480-120-152	NEW	99-05-015
480-110-023	REP-W	99-07-053	480-110-215	NEW-S	99-12-112	480-120-153	NEW	99-05-015
480-110-023	REP-S	99-12-112	480-110-225	NEW-S	99-12-112	480-120-154	NEW	99-05-015
480-110-026	REP-W	99-07-053	480-110-235	NEW-S	99-12-112	480-121	AMD-P	99-07-106
480-110-026	REP-S	99-12-112	480-110-245	NEW-S	99-12-112	480-121	AMD	99-13-097
480-110-028	REP-W	99-07-053	480-110-255	NEW-S	99-12-112	480-121-010	AMD-P	99-07-106
480-110-028	REP-S	99-12-112	480-110-265	NEW-S	99-12-112	480-121-010	AMD	99-13-097
480-110-031	REP-W	99-07-053	480-110-275	NEW-S	99-12-112	480-121-015	NEW	99-13-097
480-110-031	REP-S	99-12-112	480-110-285	NEW-S	99-12-112	480-121-020	AMD-P	99-07-106
480-110-032	REP-W	99-07-053	480-110-295	NEW-S	99-12-112	480-121-020	AMD	99-13-097
480-110-032	REP-S	99-12-112	480-110-305	NEW-S	99-12-112	480-121-023	NEW	99-13-097
480-110-036	REP-W	99-07-053	480-110-315	NEW-S	99-12-112	480-121-026	NEW	99-13-097
480-110-036	REP-S	99-12-112	480-110-325	NEW-S	99-12-112	480-121-030	AMD-P	99-07-106
480-110-041	REP-W	99-07-053	480-110-335	NEW-S	99-12-112	480-121-030	AMD	99-13-097
480-110-041	REP-S	99-12-112	480-110-345	NEW-S	99-12-112	480-121-040	AMD-P	99-07-106
480-110-046	REP-W	99-07-053	480-110-355	NEW-S	99-12-112	480-121-040	AMD	99-13-097

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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
480-121-080	NEW-P	99-07-106	480-140-050	REP-P	99-17-044	480-146-070	REP-P	99-03-073
480-121-090	NEW-P	99-07-106	480-140-060	REP-P	99-17-044	480-146-070	REP	99-08-054
480-121-100	NEW-P	99-07-106	480-140-070	REP-P	99-17-044	480-146-080	REP-P	99-03-073
480-123-015	NEW-W	99-13-095	480-140-080	AMD-P	99-17-044	480-146-080	REP	99-08-054
480-123-020	NEW-W	99-13-095	480-140-090	REP-P	99-17-044	480-146-090	REP-P	99-03-073
480-123-030	NEW-W	99-13-095	480-140-100	REP-P	99-17-044	480-146-090	REP	99-08-054
480-123-040	NEW-W	99-13-095	480-140-110	REP-P	99-17-044	480-146-091	REP-P	99-03-073
480-123-050	NEW-W	99-13-095	480-140-120	REP-P	99-17-044	480-146-091	REP	99-08-054
480-123-060	NEW-W	99-13-095	480-140-130	REP-P	99-17-044	480-146-095	REP-P	99-03-073
480-123-070	NEW-W	99-13-095	480-140-140	REP-P	99-17-044	480-146-095	REP	99-08-054
480-123-080	NEW-W	99-13-095	480-140-150	REP-P	99-17-044	480-146-200	REP-P	99-03-073
480-123-085	NEW-W	99-13-095	480-140-160	REP-P	99-17-044	480-146-200	REP	99-08-054
480-123-090	NEW-W	99-13-095	480-140-170	REP-P	99-17-044	480-146-210	REP-P	99-03-073
480-123-100	NEW-W	99-13-095	480-143-010	REP-P	99-03-074	480-146-210	REP	99-08-054
480-123-110	NEW-W	99-13-095	480-143-010	REP	99-08-055	480-146-220	REP-P	99-03-073
480-123-120	NEW-W	99-13-095	480-143-020	REP-P	99-03-074	480-146-220	REP	99-08-054
480-123-130	NEW-W	99-13-095	480-143-020	REP	99-08-055	480-146-230	REP-P	99-03-073
480-123-140	NEW-W	99-13-095	480-143-030	REP-P	99-03-074	480-146-230	REP	99-08-054
480-123-150	NEW-W	99-13-095	480-143-030	REP	99-08-055	480-146-240	NEW-P	99-03-073
480-123-160	NEW-W	99-13-095	480-143-040	REP-P	99-03-074	480-146-240	NEW	99-08-054
480-123-170	NEW-W	99-13-095	480-143-040	REP	99-08-055	480-146-250	NEW-P	99-03-073
480-123-180	NEW-W	99-13-095	480-143-050	REP-P	99-03-074	480-146-250	NEW	99-08-054
480-123-190	NEW-W	99-13-095	480-143-050	REP	99-08-055	480-146-260	NEW-P	99-03-073
480-123-200	NEW-W	99-13-095	480-143-060	REP-P	99-03-074	480-146-260	NEW	99-08-054
480-123-210	NEW-W	99-13-095	480-143-060	REP	99-08-055	480-146-270	NEW-P	99-03-073
480-123-220	NEW-W	99-13-095	480-143-070	REP-P	99-03-074	480-146-270	NEW	99-08-054
480-123-230	NEW-W	99-13-095	480-143-070	REP	99-08-055	480-146-280	NEW-P	99-03-073
480-123-240	NEW-W	99-13-095	480-143-080	REP-P	99-03-074	480-146-280	NEW	99-08-054
480-123-250	NEW-W	99-13-095	480-143-080	REP	99-08-055	480-146-290	NEW-P	99-03-073
480-123-260	NEW-W	99-13-095	480-143-100	NEW-P	99-03-074	480-146-290	NEW	99-08-054
480-123-270	NEW-W	99-13-095	480-143-100	NEW	99-08-055	480-146-300	NEW-P	99-03-073
480-123-280	NEW-W	99-13-095	480-143-110	NEW-P	99-03-074	480-146-300	NEW	99-08-054
480-123-290	NEW-W	99-13-095	480-143-110	NEW	99-08-055	480-146-310	NEW-P	99-03-073
480-123-300	NEW-W	99-13-095	480-143-120	NEW-P	99-03-074	480-146-310	NEW	99-08-054
480-123-310	NEW-W	99-13-095	480-143-120	NEW	99-08-055	480-146-320	NEW-P	99-03-073
480-123-320	NEW-W	99-13-095	480-143-130	NEW-P	99-03-074	480-146-320	NEW	99-08-054
480-123-330	NEW-W	99-13-095	480-143-130	NEW	99-08-055	480-146-330	NEW-P	99-03-073
480-123-340	NEW-W	99-13-095	480-143-140	NEW-P	99-03-074	480-146-330	NEW	99-08-054
480-123-350	NEW-W	99-13-095	480-143-140	NEW	99-08-055	480-146-340	NEW-P	99-03-073
480-123-360	NEW-W	99-13-095	480-143-150	NEW-P	99-03-074	480-146-340	NEW	99-08-054
480-123-370	NEW-W	99-13-095	480-143-150	NEW	99-08-055	480-146-350	NEW-P	99-03-073
480-123-380	NEW-W	99-13-095	480-143-160	NEW-P	99-03-074	480-146-350	NEW	99-08-054
480-123-390	NEW-W	99-13-095	480-143-160	NEW	99-08-055	480-146-360	NEW-P	99-03-073
480-123-400	NEW-W	99-13-095	480-143-170	NEW-P	99-03-074	480-146-360	NEW	99-08-054
480-123-410	NEW-W	99-13-095	480-143-170	NEW	99-08-055	480-146-370	NEW-P	99-03-073
480-123-420	NEW-W	99-13-095	480-143-180	NEW-P	99-03-074	480-146-370	NEW	99-08-054
480-123-430	NEW-W	99-13-095	480-143-180	NEW	99-08-055	480-146-380	NEW-P	99-03-073
480-123-440	NEW-W	99-13-095	480-143-190	NEW-P	99-03-074	480-146-380	NEW	99-08-054
480-123-450	NEW-W	99-13-095	480-143-190	NEW	99-08-055	490-500-005	PREP	99-06-081
480-123-460	NEW-W	99-13-095	480-143-200	NEW-P	99-03-074	490-500-005	REP-P	99-12-030
480-123-470	NEW-W	99-13-095	480-143-200	NEW	99-08-055	490-500-005	REP	99-18-053
480-123-480	NEW-W	99-13-095	480-143-210	NEW-P	99-03-074	490-500-010	PREP	99-06-081
480-123-490	NEW-W	99-13-095	480-143-210	NEW	99-08-055	490-500-010	REP-P	99-12-030
480-123-500	NEW-W	99-13-095	480-143-990	REP-P	99-03-074	490-500-010	REP	99-18-053
480-123-510	NEW-W	99-13-095	480-143-990	REP	99-08-055	490-500-015	PREP	99-06-081
480-123-520	NEW-W	99-13-095	480-146-010	REP-P	99-03-073	490-500-015	REP-P	99-12-030
480-123-530	NEW-W	99-13-095	480-146-010	REP	99-08-054	490-500-015	REP	99-18-053
480-123-540	NEW-W	99-13-095	480-146-020	REP-P	99-03-073	490-500-022	PREP	99-06-081
480-123-550	NEW-W	99-13-095	480-146-020	REP	99-08-054	490-500-022	REP-P	99-12-030
480-123-560	NEW-W	99-13-095	480-146-030	REP-P	99-03-073	490-500-022	REP	99-18-053
480-123-570	NEW-W	99-13-095	480-146-030	REP	99-08-054	490-500-025	PREP	99-06-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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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
490-500-050	REP-P	99-12-030	490-500-418	REP	99-18-053	490-500-560	PREP	99-06-081
490-500-050	REP	99-18-053	490-500-420	PREP	99-06-081	490-500-560	REP-P	99-12-030
490-500-055	PREP	99-06-081	490-500-420	REP-P	99-12-030	490-500-560	REP	99-18-053
490-500-055	REP-P	99-12-030	490-500-420	REP	99-18-053	490-500-580	PREP	99-06-081
490-500-055	REP	99-18-053	490-500-430	PREP	99-06-081	490-500-580	REP-P	99-12-030
490-500-065	PREP	99-06-081	490-500-430	REP-P	99-12-030	490-500-580	REP	99-18-053
490-500-065	REP-P	99-12-030	490-500-430	REP	99-18-053	490-500-590	PREP	99-06-081
490-500-065	REP	99-18-053	490-500-435	PREP	99-06-081	490-500-590	REP-P	99-12-030
490-500-070	PREP	99-06-081	490-500-435	REP-P	99-12-030	490-500-590	REP	99-18-053
490-500-070	REP-P	99-12-030	490-500-435	REP	99-18-053	490-500-600	PREP	99-06-081
490-500-070	REP	99-18-053	490-500-437	PREP	99-06-081	490-500-600	REP-P	99-12-030
490-500-080	PREP	99-06-081	490-500-437	REP-P	99-12-030	490-500-600	REP	99-18-053
490-500-080	REP-P	99-12-030	490-500-437	REP	99-18-053	490-500-605	PREP	99-06-081
490-500-080	REP	99-18-053	490-500-445	PREP	99-06-081	490-500-605	REP-P	99-12-030
490-500-170	PREP	99-06-081	490-500-445	REP-P	99-12-030	490-500-605	REP	99-18-053
490-500-170	REP-P	99-12-030	490-500-445	REP	99-18-053	490-500-615	PREP	99-06-081
490-500-170	REP	99-18-053	490-500-450	PREP	99-06-081	490-500-615	REP-P	99-12-030
490-500-180	PREP	99-06-081	490-500-450	REP-P	99-12-030	490-500-615	REP	99-18-053
490-500-180	REP-P	99-12-030	490-500-450	REP	99-18-053	490-500-620	PREP	99-06-081
490-500-180	REP	99-18-053	490-500-455	PREP	99-06-081	490-500-620	REP-P	99-12-030
490-500-185	PREP	99-06-081	490-500-455	REP-P	99-12-030	490-500-620	REP	99-18-053
490-500-185	REP-P	99-12-030	490-500-455	REP	99-18-053	490-500-622	PREP	99-06-081
490-500-185	REP	99-18-053	490-500-460	PREP	99-06-081	490-500-622	REP-P	99-12-030
490-500-190	PREP	99-06-081	490-500-460	REP-P	99-12-030	490-500-622	REP	99-18-053
490-500-190	REP-P	99-12-030	490-500-460	REP	99-18-053	490-500-625	PREP	99-06-081
490-500-190	REP	99-18-053	490-500-465	PREP	99-06-081	490-500-625	REP-P	99-12-030
490-500-200	PREP	99-06-081	490-500-465	REP-P	99-12-030	490-500-625	REP	99-18-053
490-500-200	REP-P	99-12-030	490-500-465	REP	99-18-053	490-500-627	PREP	99-06-081
490-500-200	REP	99-18-053	490-500-470	PREP	99-06-081	490-500-627	REP-P	99-12-030
490-500-205	PREP	99-06-081	490-500-470	REP-P	99-12-030	490-500-627	REP	99-18-053
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490-500-257	REP-P	99-12-030	490-500-475	REP	99-18-053	490-500-635	PREP	99-06-081
490-500-257	REP	99-18-053	490-500-477	PREP	99-06-081	490-500-635	REP-P	99-12-030
490-500-260	PREP	99-06-081	490-500-477	REP-P	99-12-030	490-500-635	REP	99-18-053
490-500-260	REP-P	99-12-030	490-500-477	REP	99-18-053	491- 02	PREP	99-13-170
490-500-260	REP	99-18-053	490-500-480	PREP	99-06-081	491- 02-095	AMD-P	99-18-021
490-500-270	PREP	99-06-081	490-500-480	REP-P	99-12-030	495A-141-165	AMD-XA	99-19-030
490-500-270	REP-P	99-12-030	490-500-480	REP	99-18-053	495D-120-040	PREP	99-15-006
490-500-270	REP	99-18-053	490-500-485	PREP	99-06-081	495D-120-040	AMD-E	99-15-009
490-500-275	PREP	99-06-081	490-500-485	REP-P	99-12-030	495D-135-040	PREP	99-15-007
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490-500-300	REP	99-18-053	490-500-505	PREP	99-06-081	516- 15-050	AMD-P	99-03-011
490-500-325	PREP	99-06-081	490-500-505	REP-P	99-12-030	516- 15-050	AMD-E	99-03-012
490-500-325	REP-P	99-12-030	490-500-505	REP	99-18-053	516- 15-050	AMD	99-07-089
490-500-325	REP	99-18-053	490-500-510	PREP	99-06-081	516-133	PREP	99-08-044
490-500-350	PREP	99-06-081	490-500-510	REP-P	99-12-030	516-133-020	AMD-P	99-19-081
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490-500-350	REP	99-18-053	490-500-525	PREP	99-06-081			
490-500-380	PREP	99-06-081	490-500-525	REP-P	99-12-030			
490-500-380	REP-P	99-12-030	490-500-525	REP	99-18-053			
490-500-380	REP	99-18-053	490-500-530	PREP	99-06-081			
490-500-385	PREP	99-06-081	490-500-530	REP-P	99-12-030			
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