

# Washington State Register

May 3, 2000

OLYMPIA, WASHINGTON

ISSUE 00-09



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## 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

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## 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 May 2000 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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# 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- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process.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].

1999 - 2000

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 -					
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 24, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 8, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	Jan 3, 01
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

<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 and 1.12.040.

## **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;

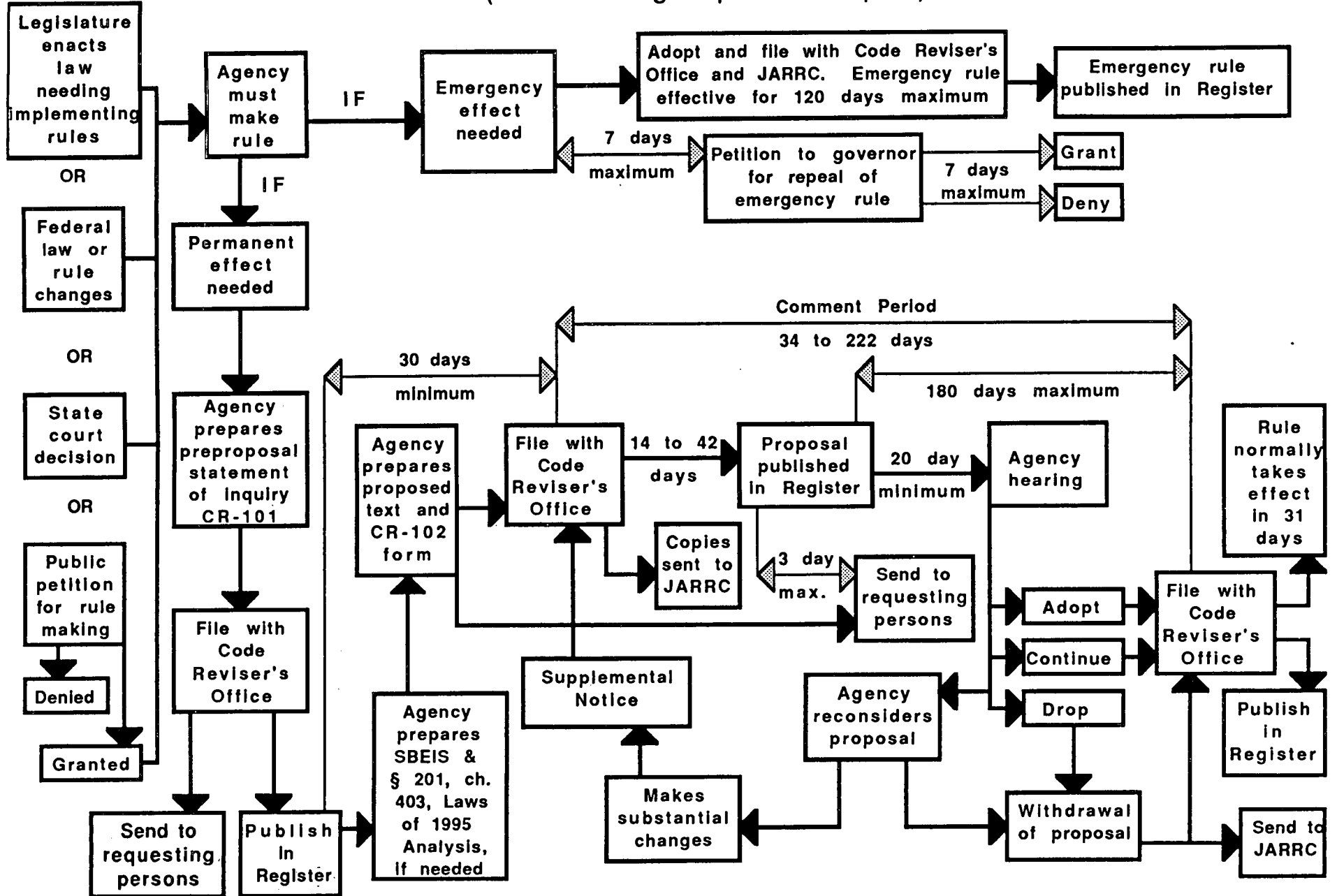
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 00-09-018****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 11, 2000, 9:47 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-335 and 308-56A-355.

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

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

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

Process for Developing New Rule: Negotiated rule making.

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

April 11, 2000

Eric Andersen

for Deborah McCurley, Administrator  
Title and Registration Services

**WSR 00-09-021****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 11, 2000, 3:45 p.m.]

Subject of Possible Rule Making: Recreational gaming activities and fund raising events.

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 implement legislation that passed in 2000 enabling charitable and nonprofit organizations to conduct fund raising events with merchandise prizes and to hire a vender to conduct the fund raising event on behalf of the charitable or nonprofit organization. These rules set forth the regulatory and licensing requirements for charitable and nonprofit organizations to offer these activities.

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;

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 Cavanaugh's Inn at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on June 8 and 9, 2000; at the WestCoast Bellevue Hotel, 625 116th Avenue N.E., Bellevue, WA 98004, (425) 455-9444, on July 13 and 14, 2000; and at The Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111, on August 10 and 11, 2000.

April 11, 2000

Susan Arland

Rules Coordinator

**WSR 00-09-022****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 11, 2000, 3:46 p.m.]

Subject of Possible Rule Making: Raffles.

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 implement legislation that passed in 2000 enabling credit unions to conduct raffles.

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; 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 Cavanaugh's Inn at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on June 8 and 9, 2000; at the WestCoast Bellevue Hotel, 625 116th Avenue N.E., Bellevue, WA 98004, (425) 455-9444, on July 13 and 14, 2000; and at The Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111, on August 10 and 11, 2000.

April 11, 2000

Susan Arland

Rules Coordinator

**WSR 00-09-023**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed April 12, 2000, 10:29 a.m.]

Subject of Possible Rule Making: WAC 392-300-070 Private school fingerprint process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290 and 28A.300.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify exactly what information received by the Federal Bureau of Investigation (FBI) is allowed to be disseminated to the private schools administrators by the Office of Superintendent of Public Instruction (OSPI).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Bureau of Investigation and the Washington State Patrol. These rules will conform to federal and state standards for proper dissemination of information.

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/Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Marlaine Koster, (360) 753-1880.

April 8, 2000  
 Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**NEW SECTION**

**WAC 392-300-070 Private school fingerprint process.** Fingerprinting of subject individuals employed by private schools.

(1) Definitions of private school terms.

(a) "Subject individual" means: Any person, certified or classified employed by a private school in a position having regularly scheduled, unsupervised access to children;

(b) "Regularly scheduled, unsupervised access to children" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed to process fingerprint cards through the Washington state patrol and Federal Bureau of Investigation records check;

(d) "Information to be required" means all information requested by the office of the superintendent of public instruction including the following:

(A) Completed fingerprint card to be mailed, with the fee, to the Washington state patrol;

(B) Completed information form to be mailed to the superintendent of public instruction;

(e) "Convictions of crimes" means, notwithstanding any other statutes or Washington administrative rule, conviction of a crime listed in WAC 180-86-013, or being under indictment for any of the crimes listed in WAC 180-86-013;

(f) "Private school" means a school that is approved with the Washington state board of education under chapter 180-90 WAC.

(2) The office of the superintendent of public instruction shall request criminal information from the Washington state patrol and the Federal Bureau of Investigation in the manner prescribed by law. A fee shall be charged for such services.

(3) Upon the private school's submission of the completed fingerprint cards and information form, the office of the superintendent of public instruction shall review the criminal records of subject individual.

(4) The office of the superintendent of public instruction shall not provide copies of criminal records to anyone except as provided by law. The private school will receive a copy of subject individual's record of arrest and prosecution (RAP) sheet from the Washington state patrol. The subject individual will be sent a copy of his or her personal criminal records.

(5) For the Federal Bureau of Investigation portion, the superintendent of public instruction or designee shall notify the private school if the subject individual has been convicted of a crime listed in WAC 180-86-013, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Washington under a different statutory name or number; if the subject individual falsified information on the application form; or if the subject individual has no conviction of crimes as listed in WAC 180-86-013.

(6) The office of the superintendent of public instruction shall assure the destruction of all fingerprint cards, facsimiles or other materials from which fingerprints can be reproduced used by Washington state patrol or Federal Bureau of Investigation.

(7) Only cards and forms approved by the office of the superintendent of public instruction will be accepted. The office of the superintendent of public instruction will hold fingerprint cards on file and notify the private school and subject individual when there is no fee, an incorrect fee, when necessary information is missing from the fingerprint cards, or the information form was not received.

(8) The office of the superintendent of public instruction will return to the private school any fingerprint cards that the Washington state patrol or Federal Bureau of Investigation rejects for poor quality prints. The private school will be responsible for having the subject individual submit additional prints as required.

(9) The superintendent's office shall maintain a record of all properly submitted fingerprint cards in the current records data base for a period of at least two years. The record shall include at least the following:

(a) Card sequence number;

(b) Name of private school submitting the cards;

(c) Date cards received at the Washington state patrol;

(d) Date letter regarding incomplete card was sent to the subject individual with a copy to the private school (only if applicable);

(e) Date Washington state patrol received fingerprint cards;



(f) Date private school was notified of Washington state patrol criminal history record or clearance;

(g) Date private school was notified of Federal Bureau of Investigation record or lack of record.

**WSR 00-09-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**SECRETARY OF STATE**

[Filed April 13, 2000, 2:40 p.m.]

Subject of Possible Rule Making: Update the administrative rules governing the production of the Official State Voters Pamphlet. Chapter 29.81 RCW was amended during the 1999 legislative session and the proposed amendments to chapter 434-381 WAC are designed to update existing regulations to correspond to the current state law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.81.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To facilitate and clarify the procedures related to the production of the voters pamphlet. The goal is to provide administrative governance and guidelines to use in publishing the pamphlet.

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 Shawn Merchant, P.O. Box 40229, phone (360) 902-4154, fax (360) 586-5629.

April 13, 2000  
 Donald F. Whiting  
 Assistant Secretary of State

**WSR 00-09-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 13, 2000, 3:06 p.m.]

Subject of Possible Rule Making: Chapter 16-233 WAC, Worker protection standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.58 RCW, Pesticide Control Act, chapter 17.21 RCW, Pesticide Application Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has conducted a review of the above-mentioned rule(s) under the provisions of the Governor's Executive Order 97-02 and has determined that the rules are necessary and should be retained. These rules are consistent with the federal worker protection standard standards promulgated by the Environmental Protection Agency and identical (as required by the state legislature) to the Washington State Department of Labor and Industries rules on the same topic.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: EPA - Cooperative agreement delegating enforcement authority; and L&I - Memorandum of understanding detailing enforcement and assistance.

Process for Developing New Rule: A rules review was conducted in accordance with the Governor's Executive Order 97-02. Results of this review will be shared with representatives of the rule(s) stakeholders for input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule(s). You may comment by writing to Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, or fax at (360) 902-2093, or e-mail [Imaerman@agr.wa.gov](mailto:Imaerman@agr.wa.gov). Comments should be made by 5:00 p.m. on June 2, 2000. For a copy of the review report, contact Laurie Mauerman, Administrative Assistant, (360) 902-2012.

April 13, 2000  
 Bob Arrington  
 Assistant Director

**WSR 00-09-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 14, 2000, 8:21 a.m.]

Subject of Possible Rule Making: Chapter 388-440 WAC, Exception to rule and chapter 388-426, Client complaints.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, [74.04.]055, [74.04.]057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify program requirements to comply with clear-writing standards in the Governor's Executive Order 97-02.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting B. J. Bailey, Program Manager, Community Services Division, P.O. Box 45440, Olympia, WA 98503-5440, (360) 413-3120, fax (360) 413-3491.

April 10, 2000  
 Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-09-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed April 14, 2000, 8:22 a.m.]

Subject of Possible Rule Making: WAC 388-86-071 Private duty nursing services, this rule will be repealed, and new rules will be adopted into two chapters - one pertaining to private duty nursing services available for clients who are seventeen years old and younger, and one for adults (see WSR 99-01-165 for rules covering services to adults).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements for private duty nursing services for clients who are seventeen years old and younger are being updated and may include some policy changes. The rules will also be rewritten to comply with the governor's executive order on regulatory improvement.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Saeger, Regulatory Improvement Manager, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 725-2315, fax (360) 586-9727, TTY 1-800-848-5429, e-mail saegell@dshs.wa.gov.

April 10, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-09-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed April 14, 2000, 8:24 a.m.]

Subject of Possible Rule Making: Chapter 388-31 WAC, Washington telephone assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.36.440 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision is being done to meet the requirements for the WAC migration of Title 388 WAC. Chapter 388-31 WAC will be repealed and will be rewritten to meet the standards of Executive Order 97-02. It will then be incorporated into chapter 388-273 WAC.

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

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, Street Address: 1009 College Street S.E., Lacey, WA 98503, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

April 10, 2000

Marie Myerchin-Redifer  
 Manager

**WSR 00-09-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed April 14, 2000, 8:25 a.m.]

Subject of Possible Rule Making: Amend current rules and create new rules to implement quarterly reporting for clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will allow clients with earned income to submit a quarterly report in lieu of a face-to-face interview every three months. This will decrease the number of monthly certifications for cases with earnings and increase access to assistance.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to 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 Veronica Barnes, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001, e-mail barnevs@dshs.wa.gov.

April 10, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-09-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed April 14, 2000, 8:27 a.m.]

Subject of Possible Rule Making: Amend current cash overpayment rules to eliminate overpayments caused by agency error and amend all related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment of these rules will prevent low-income families from incurring debts that they may not be able to repay.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to 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 Veronica Barnes, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001, e-mail barnevs@dshs.wa.gov.

April 10, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-09-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed April 14, 2000, 8:29 a.m.]

Subject of Possible Rule Making: Amending WAC 388-502-0230 Fair hearing—Providers, possible other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is reviewing and rewriting rules to meet the clear-writing mandates in the Governor's Executive Order 97-02 on regulatory reform. No policy changes are anticipated in the review and rewrite.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on this action. Information may be obtained by contacting the DSHS representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

April 12, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-09-085**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
 [Filed April 18, 2000, 3:58 p.m.]

Subject of Possible Rule Making: New sections WAC 458-30-700 Classified forest land—Removal—Change in status—Compensating tax and 458-30-710 Designated forest land—Removal—Change in status—Compensating tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The contemplated rules will outline the reasons for and process involved in removing forest land from classification or designation under chapter 84.33 RCW. The rules will incorporate and clarify information provided in RCW 84.33.120 and 84.33.140. Rules describing the proper procedure to follow when forest land is removed from classification or designation will assist local officials and taxpayers to better understand their rights and responsibilities in this process. Only the property tax aspects of removal will be discussed in these rules. The rules will also outline how compensating property taxes are calculated when classified or designated forest land is removed from current use status under chapter 84.33 RCW.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6113, fax (360) 664-0693.

Location and Date of Public Meeting: On May 23, 2000, at 9:30 a.m., Capital Plaza Building, 1025 Union Street, Room 400, Olympia, WA.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

April 18, 2000  
 Claire Hesselholt  
 Rules Manager  
 Legislation and Policy Division

**WSR 00-09-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed April 19, 2000, 9:48 a.m.]

Subject of Possible Rule Making: Regional fisheries enhancement groups.

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: Additional regional fisheries enhancement groups may be needed to assist in salmon recovery. Rules regarding these groups will assist the salmon recovery process.

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 Jim Lux, Business Services Program Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2444, fax (360) 902-2230. Contact by July 3, 2000, expected proposal filing July 5, 2000.

April 18, 2000  
 Evan Jacoby  
 Rules Coordinator

**WSR 00-09-006**  
**EXPEDITED REPEAL**  
**LAKE WASHINGTON**  
**TECHNICAL COLLEGE**

[Filed April 6, 2000, 11:13 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 495D-122 WAC.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Dr. Gary D. Cohn, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034.

Reason the Expedited Repeal of the Rule is Appropriate: Other rules of the agency govern the same activity as this rule, and it is unnecessary and redundant.

March 28, 2000

L. Michael Metke, Ed.D  
 President

**WSR 00-09-038**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed April 14, 2000, 8:31 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-501-0150 Confidential records.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850 [98504-5850], fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: This rule is no longer necessary because it has been incorporated into WAC 388-01-030 Disclosure of public records.

April 12, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-501-0150 Confidential records.

**WSR 00-09-039**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed April 14, 2000, 8:33 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-86-105 Voluntary agency.

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: Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850 [98504-5850], fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: Medical care for children and unmarried mothers is addressed in WAC 388-505-0210 Children's medical eligibility and 388-503-0510 How a client is determined "related to" a categorical program.

April 10, 2000

Marie Myerchin-Redifer  
 Manager, Rules and Policies

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-86-105 Voluntary agency.

**WSR 00-09-040**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed April 14, 2000, 8:35 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-87-045 Payment—Blood.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Paige Wall, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: The department is repealing this rule because it no longer reflects correct policy or payment methodology. The department reimburses using the DRG process in WAC 388-550-2900. Therefore, this rule is no longer needed.

April 10, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-045          Payment—Blood.

EXPEDITED REPEAL

**WSR 00-08-103**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**

[Filed April 5, 2000, 10:24 a.m.]

Continuance of WSR 98-21-015, 99-09-078 and 99-22-032.

Preproposal statement of inquiry was filed as WSR 98-16-099.

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: Current forest practices rules are not providing adequate protection for salmon and other public resources. The Forest Practices Board and the Department of Natural Resources face many new resource protection challenges, the most significant of which are the current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, [meeting] the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board adopted new emergency rules which became effective March 20, 2000. The Salmon Recovery Act (ESHB 2091) allows these emergency rules to be in place until new permanent forest practices rules are adopted or until June 30, 2001, whichever is sooner.

The Forest Practices Board is conducting rule making on a comprehensive package of new and revised permanent rules. The board selected a preferred alternative (based on the Forests and Fish Report, April 29, 1999) and a draft environmental impact statement analyzing the environmental effects of current rules, the preferred alternative, and a third alternative, was published on March 20, 2000.

After public review of the draft EIS, the Forest Practices Board will be preparing draft permanent rules which will be filed as a supplemental notice in the fall of 2000. Public hearings will be held state-wide in October 2000. The permanent rule proposal will then be finalized in early 2001, and adoption is slated for April 2001.

For more information and the latest rule adoption schedule, check the Forest Practices Board web site at [www.wa.gov/dnr](http://www.wa.gov/dnr).

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Modify forest practices rules (Title 222 WAC) to incorporate new public resource protection requirements. Categories of rules include riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; application procedures; roads; slope stability; forest chemicals; enforcement; monitoring; adaptive management; and watershed analysis.

Citation of existing rules amended by this order: WAC 222-08-035 Continuing review of forest practices rules, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-050 Classes of forest practices, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-070 Emergency forest practices plan, 222-22-010 Policy-watershed analysis, 222-22-030 Qualification of analysts, 222-22-040 Watershed prioritization, 222-22-050 Level 1 watershed assessment, 222-22-060 Level 2 watershed assessment, 222-22-070 Prescription recommendation, 222-22-090 Use and review, 222-24-010 Policy-road construction, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, etc., 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-070 Tractor and wheeled skidding systems, 222-38-020 Handling, storage, and aerial application of pesticides, 222-38-030 Handling, storage, and aerial application of fertilizers, 222-46-060 Civil penalties, and 222-46-065 Base penalty schedule.

New sections added: WAC 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type S water, 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies, 222-12-044 Cooperative opportunities, 222-20-015 Multi-year permits, 222-22-035 Watershed screening, 222-22-065 Review of assessments, 222-22-075 Monitoring, 222-22-076 Restoration, and 222-46-055 Compensation for resource damages.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1412; Implementation and Enforcement: Catherine Elliott, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1041.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.

PROPOSED

- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Makes watershed analysis a more public process; allows DNR to write the prescriptions if the prescription team does not reach consensus; requires a prescription monitoring plan.

- Enables DNR to develop a schedule of penalties for compensation of resource damages where there has been material damage to public resources; adds a base penalty of \$10,000 for operating without an approved forest practices permit.
- Expands adaptive management requirements by formally establishing the cooperative monitoring, evaluation, and research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings; encourages cooperative opportunities for working with the board.

The anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry.

Proposal Changes the Following Existing Rules:

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Adaptive Management	08-035, 12-044, 12-045		Expands adaptive management by spelling out CMER's reporting responsibilities and its relationship to the board. Adds a new section on cooperative opportunities.
FPB Manual	12-090		Adds guidelines for roads, aerial applications of pesticides, channel disturbance zones.
Definitions	16-010		Adds thirty-six definitions: Twenty-four for unstable slopes; others for roads, RMZ, pesticides.
Water Typing	16-030	Types 1 through 5 waters	New water typing system provides three categories: S=shorelines; F=fish-habitat waters; N=nonfish-habitat waters; fish habitat is defined.
Class IV-Special & SEPA Guidance	16-050, 10-020, 10-030	9 categories listed for Class IV-Special designation	Adds certain fp operations w/in two hundred feet of a Type S water to the IV-Special list; changes how roads and harvesting on unstable slopes are triggered - focuses on high and moderate hazard areas; new SEPA guidance sections written for shorelines and unstable slopes.
Applications: Multi-year Permits	20-015, 20-020, 20-010, 20-070	Permits are valid for two years	Five year permit option for landowners within a completed watershed analysis; multi-year permit provided for road maintenance and abandonment plans. Name of operator and notice to the department required to begin forest practices operations. Plan for emergency forest practices required with road maintenance plan.
Watershed Analysis	22-010 to 22-076	Process and requirements for watershed analysis are prescribed	New sections for watershed screening (WAC 222-22-035), review of assessments (WAC 222-22-065), monitoring (WAC 222-22-075) and restoration (WAC 222-22-076). Revisions include making watershed analysis a public process; authorizing the department to write prescriptions if the prescription team takes longer than the thirty days provided; adds a cross reference to multi-year permits.

PROPOSED



Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Roads	24-010 to 24-060	Road plans required upon dept. request	Adds mandatory road maintenance and abandonment plan requirements; revises road design and water crossing sections; adapts road information to new water typing system; provides HPA requirements for nonfish-habitat waters; outcome-based standards clarified. No roads are allowed through bogs and wetlands policy in relation to roads is clarified: No net loss of wetland functions and mitigation sequence is given; BMPs to be written for FPB manual.
Riparian Management Zones	30-010, 30-020, 30-070	W. Wash: 25' to 100' E. Wash: 30'-300' + leave tree requirements	Revises riparian management zone requirements (RMZs) on fish-habitat waters: W. Wash: 100' no-harvest; SPTH 10-40 trees/acre; management w/in 100' alternate plan E. Wash: 100' no-harvest buffer/SPTH; management w/in 100' for fire, disease as altern. plan Revises RMZs on nonfish-habitat waters that are perennial: <u>Option 1</u> - 500' no harvest above fish-habitat type changes sensitive sites provisions 50% shade — stream length 30' equipment limitation zone everywhere else, including seasonal streams OR: <u>Option 2</u> - 2/3 SPTH on perennial Ns 1/2 SPTH on seasonal Ns
Pesticides	38-020 38-030	50' buffers	Three buffer options provided for aerial application of pesticides: Two hundred fifty feet; fifty to three hundred twenty-five feet, fifty feet for Type N; technical details to be placed in FPB manual.
Enforcement	46-055, 46-060, 46-065		Increases civil penalty for operating without permit; adds compensation requirement for resource damage assessment; eliminates one step of remission/mitigation for civil penalties.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

[The small business economic impact statement was filed with the original notice on October 12, 1998, and published in issue 98-23.]

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 90504[98504]-7012, phone (360) 902-1413, fax (360) 902-1730, e-mail forest.practicesboard@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Some of the sections proposed are significant legislative rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 25, 2000, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by October 1, 2000, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1789, by October 26, 2000.

Date of Intended Adoption: April 11, 2001. See Purpose above.

April 3, 2000

John P. Daly

Chair

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-08-035 Continuing review of forest practices ((regulations)) rules.** \*(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, fish and wildlife, natural resources, and environmental interest groups, shall beginning July 1, 1988, report annually to the forest practices board an

assessment of how ((regulations)) the rules and voluntary processes are working.

(2) Adaptive management. CMER will report results to the TFW Policy Group within six months of completion of a project. If CMER does not contain a consensus report, then the majority and minority thinking should be forwarded to TFW. TFW will report the project results to the board within six months of CMERs report. TFW will use CMERs work to make recommendations amending: the statutory scheme of forest practices management; the regulatory scheme of for forest practices management; voluntary, incentive-based, and training programs affecting forestry; resource objectives; and CMER, adaptive management procedures, or other mechanisms for implementing forest practices. TFW recommendations to the board will be accompanied by formal petitions for rule making (RCW 34.05.330), if appropriate. If TFW cannot reach agreement, then mediation may be used. If mediation is not successful within three months, then the forest practices board will hear the alternatives and recommendations and make a decision. In addition, ((The)) the department is directed to report to the board on opportunities to modify these ((regulations)) rules when baseline data, monitoring, evaluation or the use of interdisciplinary teams show that such adaptive management will better meet the purposes and policies of the Forest Practices Act.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environmental groups which would result in the development of plans which might be used as an alternative to the forest practice regulations in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cascade summit and one on the west side of the Cascade summit.

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

#### NEW SECTION

**WAC 222-10-020 \*SEPA policies for certain forest practices within 200 feet of a Type S water.** The following policies shall apply to Class IV-Special forest practices, involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of Type S waters.

\* (1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional information prepared by a qualified expert on: Whether the proposed activity is within the channel migration zone of the Type S water; whether the proposed activity has the potential for accelerating erosional and depositional processes of the Type S water; whether the proposal will have an impact on salmonid spawning, rearing, or migration habitat; and whether the proposal will adversely impact a threatened or endangered species. (See WAC 222-10-043.) In addition, the report

must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

\* (2) The department will evaluate the proposal in consultation with the department of ecology, the department of fish and wildlife, local government, and affected Indian tribes. If the proposal is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat, accelerate erosional and depositional processes of the Type S water, or cause significant adverse impacts to a threatened or endangered species, then it is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife, that the proposal will appropriately mitigate the impacts, then the mitigated proposal is not likely to have a probable significant adverse impact on the environment.

\* (3) If a local permit is required, then the local government is lead agency and the department shall forward the additional information, the environmental checklist, and the forest practices application to the local government for completing SEPA. (See WAC 222-20-040(4).)

#### NEW SECTION

**WAC 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies.** In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas, or timber harvest, on unstable landforms or other slide-prone areas.

(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit additional information to the department, including a report by a qualified expert, regarding: whether the site contains or is affected by unstable landforms, such as but not limited to inner gorges, deep-seated landslides, bedrock hollows, convergent headwalls, or other weak geologic formations or structures; whether such landforms have the potential to undergo mass movement; if mass movement occurs, whether water, sediment, and/or debris could be delivered to public resources or threaten public safety; and, whether the likelihood of movement would be increased as a result of the proposed forest practice activity. In addition the report must identify specific mitigation measures that are proposed to reduce any probable significant adverse impacts identified above.

(2) The department shall evaluate the proposal, using appropriate expertise, to determine whether the proposed forest practices reasonably would be expected, directly or indirectly, to increase the likelihood of a slope to undergo mass movement; and to deliver debris, sediment and/or water to a public resource or threaten public safety. If such is the case, then the proposed forest practices are assumed to have a probable significant adverse impact on the environment.

NEW SECTION

**WAC 222-12-044 Cooperative opportunities.** The forest practices board recognizes and encourages cooperative opportunities to work to build solutions associated with forest practices. The forest practices board can at any time use this method to assist in assessing and recommending solutions to issues. The board recognizes the Timber, Fish, and Wildlife cooperative as one ongoing cooperative group that represents disparate interests while working towards consensus recommendations, where possible, to forest practices issues. TFW membership is self-selecting and should be made of at least three policy members each from the following caucuses: Forest landowners (industrial and family-owned); environmental community; tribal governments; county governments with forest lands; state agencies (departments of fish and wildlife, ecology and natural resources); federal government (National Marine Fisheries Service, US Fish and Wildlife Service, Environmental Protection Agency and US Forest Service). TFW members will serve without compensation or per diem. TFW will assist the forest practices board in: Establishing resource objectives; selecting the administrator of CMER; determining CMERs program priorities and specific projects; defining research objectives; making recommendations to the forest practices board based on results of CMER projects or other issues the board has requested assistance of TFW; assisting in dispute resolution where CMER cannot come to consensus; and serving as requested by the board in other roles.

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

AMENDATORY SECTION (Amending WSR 87-23-036, filed 11/16/87, effective 1/8/88 [1/1/88])

**WAC 222-12-045 \*Adaptive management.** In order to further the purposes of chapter 76.09 RCW the board has adopted a policy of adaptive management designed to modify these ~~((regulations))~~ rules and their application based on cooperative research, monitoring, and evaluation. This policy will be implemented by establishing the Cooperative, Monitoring, Evaluation and Research committee. The committee will emphasize validation and effectiveness monitoring and research. The committee will use accepted scientific principles for performing their work, such as: Identifying testable hypotheses, utilizing established resource objectives, identifying the affected public resource and the cause and effect relationship with forest practices, data gathering analysis, and evaluation of resource and operational impacts. Each funded project will have an independent scientific peer review conducted. The committee will be made up of members of each TFW caucus that have expertise in the interaction of forest practices with public resources. CMER members will serve voluntarily without compensation or per diem. The department will employ an administrator to oversee the committee. The administrator will be selected in consultation with caucus representatives of the Timber, Fish, and Wildlife cooperative. The administrator will be responsible for managing the research and monitoring, including budget preparation and

work plans with set time frames for products, and resolving disputes within the committee. In addition, the administrator will select peer reviewers in consultation with TFW. The administrator will report to the forest practices board annually the membership of the CMER. The administrator will present to the forest practices board biennially a budget proposal, projects list and time frames for work to be accomplished for approval. The proposal will have been developed in consultation with TFW. This will be the basis for CMERs biennial request to the legislature. The administrator will be responsible for annual progress reports to the forest practices board on the funded projects. The department will conduct a performance audit of the expenditure of legislatively appropriated funds biennially. Such adaptive management shall include the measures set out in WAC 222-08-035.

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

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

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-12-090 Forest practices board manual.** When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by

the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13)

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

\*(16) Requirements for application of pesticides, aerial application equipment and operating parameters, and favorable weather conditions for aerial application of pesticides.

\*(17) Delivery of sediment and debris, and lengths of channel disturbance zones.

**AMENDATORY SECTION** (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull level**" (bankfull stage) means the elevation of the top of the active geomorphic floodplain of a stream. It is the area inundated by a flow having a return period of approximately 1.5 years in the annual flood series, which is considered the effective channel-forming discharge. Bankfull level is indicated by the top of the point bar; by a change in vegetation, from bare surfaces or water-tolerant species to

water-intolerant shrubs and trees; by a break in slope; or by a change in the size distribution of surface sediments.

"**Bankfull depth**" means the elevation difference between the lowest point of a riffle and the bankfull level in a stream reach.

"**Bankfull width**" means the average distance between the lines defining the bankfull depth in a stream reach.

"**Bedrock hollows**" ("colluvium-filled bedrock hollows" or "hollows"; also referred to as zero-order basins, swales, or bedrock depressions) are commonly spoon-shaped areas of convergent topography (upward or contour concavity) within unchanneled valleys on hillslopes. Hollows are formed on slopes of varying steepness, and tend to be longitudinally linear on the slope. Their upper ends can extend to the ridge, or begin as much as several hundred feet below. Most hollows are approximately 75 to 200 feet wide at the top, and may narrow to 30 to 60 feet downhill. They terminate at distinct channels, either at the usual point of channel initiation or along a stream side. Unless they have recently experienced scouring by landslide or debris flow, bedrock hollows are partially or completely filled with colluvial soils that are typically deeper than those on the adjacent spurs and planar slopes. (Note: Hollows that are completely filled with colluvium may show no surface concavity.) Many hollows have no surface water, but others contain seeps and springs. Hollows should not be confused with other hillslope concavities such as small valleys, the bodies of large landslides, tree-throw holes, or low-gradient grassy swales. Bedrock hollows typically experience episodic evacuation of debris by shallow-rapid mass movement, followed by slow refilling with colluvium. Debris slides that begin within bedrock hollows commonly evolve into debris torrents, which have the potential to reach great distances downhill and downstream.

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Channel disturbance zone (CDZ)**" means the area that might be affected by landslides or debris torrents originating on hillslopes that are identified as actively or potentially unstable. The longitudinal extent of a CDZ is estimated as:

- For existing or potential stream-adjacent landslides, the CMZ includes the stream reach(es) bordering the slide body;
- For existing or potential upslope landslides, from which delivery of sediment or debris is likely, the stream reach(es) directly downhill from the slide area;

- For landslides that could reasonably be transformed into debris torrents (debris flows or dam-break floods), the downstream extent of the CDZ shall be estimated based on topographic, hydraulic, and vegetational characteristics of the channel, based on accepted methods as described in the Forest Practices Board Manual.

In all cases, CDZs shall include the entire width of the channel migration zone, unless local information and analysis indicates that not all of the CMZ could reasonably be affected.

"Channel migration zone (CMZ)" means the area that a stream has occupied, or could be expected to occupy, within the time it would take to grow trees of sufficient size to function geomorphically within the channel. Migration may be caused by meandering, braiding, or avulsion. In a given stream reach, the CMZ should be delineated as the widest zone including the following:

- Areas of recently-occupied channels, as indicated by channel-bed topography, coarser surface sediments with thin soils, and/or younger vegetation;
- The 100-year floodplain, as shown on flood insurance rate maps, or as estimated from hydraulic modeling;
- The 100-year floodplain, estimated as the area that would be inundated by flows twice the bankfull depth;
- An area, centered on the current channel, that is twice the bankfull width.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Colluvium-filled bedrock hollows": See bedrock hollows.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 16 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" ("headwalls") are teardrop-shaped landforms, broad at the ridgetop and terminating where headwater channels have converged into a single channel. They are broadly concave both longitudinally and across the slope, but may contain sharp ridges that separate the headwater channels. Convergent headwalls generally range in size from about 30 to 300 acres; slope gradients are typically steeper than 35°, and may locally exceed 45°. Soils are thin because slides are frequent in these landforms. It is the arrangement of bedrock hollows and first-order channels on the landscape that causes a convergent headwall to be a unique mass-wasting feature. The highly convergent shape of the slopes, coupled with thin soils, allows rapid saturation during rainfall and/or snowmelt. The mass-wasting response of these areas to storms, natural disturbances such as fire, and to forest practices is much greater than is observed on other steep hillslopes in the same geologic settings. Convergent headwalls are also prone to surface erosion. Landslides that evolve into debris flows in convergent headwalls typically deliver debris to larger channels downstream. Channel gradients are extremely steep within headwalls, and generally remain so for long distances downstream. Channels that exit the bottoms of headwalls have been formed by repeated debris flows, and have forms and gradients that are efficient at conducting them. Convergent headwalls commonly have debris fans at the slope bases.

PROPOSED

**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

**"Cooperative habitat enhancement agreement (CHEA)"** see WAC 222-16-105.

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or the United States Secretary of Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical nesting season"** means for marbled murrelets - April 1 to August 31.

**"Critical wildlife habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Cultural resources"** means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Debris torrents"** are mixtures of water, sediment, and debris that move in and along mountain channels. They include debris flows, and hyperconcentrated floods that may be caused by the collapse of natural or artificial dams (such as landslide dams or debris jams).

**"Deep-seated landslides"** are landslides in which the zone of movement is below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. Deep-seated landslides can vary greatly in size (up to thousands of acres) and activity level, and can occur almost anywhere on the hillslope. Deep-seated landslides are usually formed in incompetent materials such as glacial deposits, volcanoclastic rocks, and fault gouge. Commonly, development of a deep-seated landslide begins after a slope has been oversteepened by glacial or fluvial undercutting; however, the initiation of such slides has also been associated with changes in land use, increases in ground-water levels, and the degradation of material strength through natural processes. Movement can be translational, rotational, or complex; range from slow to rapid; and displacements can be small to large.

**"Deep-seated landslides in bedrock"** commonly occur in masses that are relatively weak. These can include bodies in which the rocks themselves are incompetent, such as certain types of clay-rich sediments and volcanics (e.g., some shales and tuffs), or low-grade metamorphic rocks (e.g.,

phyllite); or in highly weathered materials, such as deeply weathered rock and saprolite. In other cases, the geologic structure weakens the rock strength: Bedding planes, joints, and faults commonly act as planes of weakness that can become slide surfaces.

**"Deep-seated landslides in glacial deposits"** are common in thicker glacial deposits, most usually where relatively permeable and impermeable materials are juxtaposed. Impermeable deposits can perch ground water, causing elevated pore-water pressures in the overlying deposits, which can then slide out and downward.

Many deep-seated landslides occur in the lower portions of hillslopes and extend directly into stream channels. In such situations, streams can undercut the landslide toes, promoting further movement; such oversteepened toes can also be sensitive to changes caused by harvest and road construction. On the other hand, deep-seated landslides confined to the upper slopes may not have the ability to deposit material directly into stream channels. The ability of scarps and marginal streams to deliver sediment to waters or structures varies with local topography. Steep marginal streams can be subject to debris-flow initiation.

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

**"Drainage management"** means road drainage techniques and strategies that prevent sediments from delivering to typed waters.

**"Drainage management plan"** means a plan that prevents road sediment delivery greater than one half the background level of a defined drainage area.

**"Eastern Washington"** means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or

equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"**Forest practice**" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"**Forest trees**" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Haul, nonrestricted" means hauling is permitted based on a drainage management plan.

"Haul, restricted" means timber and rock hauling is permitted only during those periods sediment is not delivered to typed waters.

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Historic site**" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Hollows": See colluvium-filled bedrock hollows.

"Hyporheic areas" are zones adjacent to and below active channels where interstitial water is exchanged with channel water; water movement is mainly in the downstream direction.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Inner gorges" are canyon walls created by a combination of the downcutting/undercutting action of a stream and mass movement on the slope walls. They are oversteepened, that is, steeper than can be accounted for by slope processes alone, and subject to greater rates of mass wasting as a result. Inner gorges show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. In competent bedrock, slope gradients of 35° or steeper can be maintained, but soil mantles are increasingly sensitive to root-strength loss at these angles; slope gradients as gentle as 28° can be unstable in gorges cut into incompetent bedrock. The top of the inner gorge is typically a distinct break in slope, but in some places the upper boundary is a subtle zone where the slope becomes markedly steeper or convex downhill. Inner gorge walls can be continuous for great lengths, as along a highly confined stream that is actively downcutting; or they can be discontinuous, as along a flood-plain channel that is undercutting the adjacent hillslopes in isolated places where the stream has meandered to the valley edge. Inner gorges experiencing mass wasting are likely to deliver sediment to waters or structures downhill. Exceptions can occur where benches of sufficient size to stop moving material exist along the gorge walls, but these are uncommon. Inner gorges are distinguished from ordinary steep valley sides: Ordinary valleys can be V-shaped with distinct slope breaks at the top, but they commonly do not show evidence of recent movement.

In practice, a minimum vertical height of 10 feet should be applied to discriminate inner gorges from slightly incised streams. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least 10°, or the line above which slope gradients are typically gentler than 30°.

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.



**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Marbled murrelet detection area"** means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.

**"Marbled murrelet nesting platform"** means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

**"Median home range circle"** means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Northern spotted owl site center"** means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or
- (c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or
- (c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines

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or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Old forest habitat"** see WAC 222-16-085 (1)(a).

**"Operator"** shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

**"Ordinary high-water mark"** means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

**"Other forest chemicals"** means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

**"Park"** means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

**"Partial cutting"** means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

**"Pesticide"** means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

**"Public resources"** means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

**"Qualified expert"** means a person qualified for level 2 certification in the watershed analysis process, plus at least 5 years of experience in the evaluation of relevant problems in forested lands.

**"Qualified surveyor"** means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

**"Rehabilitation"** means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

**"Relief culvert"** means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

**"Resource characteristics"** means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

**"Riparian management zone"** means a specified area alongside ((Type 1, 2 and 3 Waters)) any typed waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"Road sediment delivery"** means sediment is entering a typed water from the road prism.

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Seeps"** are areas where water slowly percolates to the ground surface, commonly in a line controlled by fractures or bedding in the underlying rock, or where the local water table intercepts the surface. Seepage flow is insufficient to cause formation of a distinct channel, so the water moves downhill by overland flow; seeps are not directly connected to the channel network, but the flow may nevertheless be important for some ecosystem functions.

**"Seeps, headwall"** are those located on valley-head slopes, ridgeward of the upper end of the defined channel.

**"Seeps, perennial"** are those that flow through the dry season.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

**"SOSEA goals"** means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

**"Spoil"** means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

**"Spotted owl dispersal habitat"** see WAC 222-16-085(2).

**"Spotted owl special emphasis areas (SOSEA)"** means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

**"Springs"** are areas where water percolates to the ground surface, commonly in a point or limited area, controlled by fractures or bedding in the underlying rock, or where the local water table intercepts the surface. Where spring flow is sufficient to cause surface erosion, it may be the channel initiation point; springs can also occur within channels.

**"Springs, perennial"** are those that flow through the dry season. The upstream point of perennial flow in a channel is a perennial spring.

**"Stop work order"** means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

**"Streams"** are channelized bodies of flowing water.

**"Streams, perennial"** are those that flow throughout the dry season. For a given stream, the entire length of channel downstream of a perennial seep or spring is considered perennial, whether or not there is water above the ground surface all year.

**"Streams, seasonal"** are those that do not flow throughout the year; channel reaches upstream of perennial springs.

**"Sub-mature habitat"** see WAC 222-16-085 (1)(b).

**"Suitable marbled murrelet habitat"** means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

**"Suitable spotted owl habitat"** see WAC 222-16-085(1).

**"Temporary road"** means a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an abandoned road.

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or the United States Secretary of Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

**"Timber"** shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, flood control, bank stabilization, contributions to ground water and streamflows, and providing fish and wildlife habitat, and the production of timber. These functions may vary from wetland to wetland.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird,

reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Winds, favorable" means those winds where the wind direction effectively moves the spray cloud away from water, RMZ, or WMZ, based on visual observation of spray drift.

"Winds, unfavorable" means any winds which are not clearly favorable (see favorable winds) including calm conditions, inversions, or conditions of highly variable wind direction.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-16-030 Water typing system.** \*The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type ((1, 2, 3 and 4 Waters)) S, F, and N waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make

available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

\*(1) "~~Type ((1-Water))~~ S water" means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

\*(2) "~~Type ((2-Water))~~ F water" (~~shall~~) means segments of natural waters which are not classified as Type ((4-Water)) S water and (~~have a high fish, wildlife, or human use~~) contain fish habitat or are used by wildlife or humans. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than ((400)) 10 residential or camping units or by a public accommodation facility licensed to serve more than ((400)) 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type ((2-Water)) F water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are within a federal, state, local, or private campground having more than ((30)) 10 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(c) Have the potential to be used by fish. The department will make maps available that represent fish habitat. These maps will be prepared using a multiparameter model(s) that uses geomorphic data such as stream gradient, basin size, elevation and precipitation to estimate where fish habitat is likely to be.

(d) Lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water.

~~((Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:~~

(i) ~~Stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than 4 percent.~~

(ii) ~~Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or~~

(d) ~~Are used by salmonids for off channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:~~

(i) ~~The site must be connected to a stream bearing salmonids and accessible during some period of the year; and~~

(ii) ~~The off channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.~~

\*(3) "~~Type 3 Water~~" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have

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a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:

(i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

(ii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream:

(c) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

(ii) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

(d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.)

\*(((4))) (3) "Type ((4-Water)) N water" means ((classification shall be applied to)) segments of natural waters which are not classified as Type ((1, 2 or 3, and for the)) S or F. Their purpose ((of protecting)) is to protect water quality and nonfish biota including stream associated amphibians and freshwater shellfish. Waters diverted for established domestic use by 10 or less residents ((downstream)) are classified as Type ((4-Water)) N water upstream until the channel ((width becomes less than 2 feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.)) initiation point. These waters may include seasonal streams with defined channels. Their significance includes providing cool water downstream, sediment storage, and habitat for stream associated amphibians

((\*(5)) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and

drainageways having short periods of spring or storm runoff.)

\*(((6))) (4) For purposes of this section:

(a) "**Residential unit**" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "**Camping unit**" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) ("~~Resident game fish~~") "**Fish habitat**" means habitat of any ((game)) fish ((as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.)) species including, but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development.

(d) "**Public accommodation facility**" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "**Natural waters**" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "**Seasonal low flow**" and "**seasonal low water**" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) ("~~Channel width and gradient~~" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "~~Intermittent~~") "Seasonal streams" means those segments of streams that normally go dry.

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

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that addi-

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tional information or a detailed environmental statement is required before these forest practices may be conducted.

\*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

\*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas ~~((on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department,))~~ in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, ~~((when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030,))~~ on landforms that are likely to be or are potentially unstable, where such landforms are located above any typed water, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions; or threaten public safety, where there is potential for a substantial landslide or debris ((flow or mass failure)) torrent to cause significant impact to public resources.

(i) It is assumed that slope instability is likely in inner gorges, bedrock hollows, and convergent headwalls steeper than 35° (70%), on the toes of deep-seated landslides steeper than 33° (65%), or on any soil-covered slopes steeper than 38° (80%). An analysis of the stability of the site and the proposed forest practices by a qualified expert, in accordance with WAC 222-10-030, shall be submitted with the application.

(ii) It is assumed that slope instability is possible in inner gorges, bedrock hollows, convergent headwalls, or on any other soil-covered slopes steeper than 30° (60%), or on the toes of any deep-seated landslides. For such slopes that are gentler than those described in (i), an evaluation of the stability of the site and the proposed forest practices by a trained field forester shall be submitted with an application, documenting the lines of evidence indicating the condition of the potentially unstable areas. This information shall be reviewed by a qualified expert who will be responsible for the information.

(iii) The potential for delivery of sediment and debris, and the length of potential channel disturbance zones, shall be determined by accepted methods as described in the Forest Practices Board Manual. If a local determination of delivery potential has not or can not be made from aerial photographs or field evidence, it will be assumed that delivery can occur downhill to a distance 500 feet below the point

where the slope becomes gentler than 26° (50%). For all designated delivery areas and channel disturbance zones, channel conditions and potential problems relating to slope instability and debris torrents shall be evaluated, and the information submitted with the stability analyses.

(iv) The information submitted, and the review by the department (including the decision on classification), shall be in accordance with WAC 222-10-030.

\*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, ~~((on slide prone areas, field verified by the department,))~~ on landforms that are likely to be or are potentially unstable, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, ((when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030,)) where such landforms are located above any typed water, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions, or privately owned structure, where there is a potential for a substantial landslide or debris ((flow or mass failure)) torrent to cause significant impact to public resources.

(i) It is assumed that slope instability is likely in inner gorges, bedrock hollows, and convergent headwalls steeper than 35° (70%), on the toes of deep-seated landslides steeper than 33° (65%), or on any soil-covered slopes steeper than 38° (80%). An analysis of the stability of the site and the proposed forest practices by a qualified expert, in accordance with WAC 222-10-030, shall be submitted with the application.

(ii) It is assumed that slope instability is possible in inner gorges, bedrock hollows, convergent headwalls steeper than 33° (65%), on any other soil-covered slopes steeper than 35° (70%), or on the toes of deep-seated landslides steeper than 30° (60%). For such slopes that are gentler than those described in (i), an evaluation of the stability of the site and the proposed forest practices by a trained field forester shall be submitted with the application, documenting the lines of evidence indicating the condition of the potentially unstable areas. This information shall be reviewed by a qualified expert who will be responsible for the information.

(iii) The potential for delivery of sediment and debris, and the length of potential channel disturbance zones, shall be determined by accepted methods as described in the Forest Practices Board Manual. If a local determination of delivery potential has not or can not be made from aerial photographs or field evidence, it will be assumed that delivery can occur downhill to a distance 500 feet below the point where the slope becomes gentler than 26° (50%). For all designated delivery areas and channel disturbance zones, channel conditions and potential problems relating to slope instability and debris torrents shall be evaluated, and the information submitted with the stability analyses.

(iv) The information submitted, and the review by the department (including the decision on classification), shall be in accordance with WAC 222-10-030.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries,

gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

\* (h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

\* (i) Filling or draining of more than 0.5 acre of a wetland.

\* (j) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of a Type S water.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

\* (b) Road maintenance except: (i) Replacement of bridges and culverts across ~~((Type 1, 2, 3 or flowing Type 4 Waters))~~ any typed waters; or (ii) movement of material that has a direct potential for entering ~~((Type 1, 2, 3 or flowing Type 4 Waters))~~ any typed waters or Type A or B Wetlands.

\* (c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type ~~((+Water))~~ S water, the

riparian management zone of a Type ~~((2 or 3 Water, the ordinary high water mark of a Type 4 Water))~~ any typed water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the ~~((shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high water mark of a Type 4 Water))~~ 200 feet of any typed water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type ~~((+Water))~~ S water and does not involve disturbance of the beds or banks of any waters.

\* (f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

\* (n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type ~~((+Water))~~ S water, the riparian management zone of any ~~((Type 2 or 3 Water, or the ordinary high water mark of a Type 4 Water,))~~ type water, a wetland management zone, a wetland, or the CRGNSA special management area.

\* (o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

\* (p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type ~~((+Water))~~ S water or the riparian management zone of a Type ~~((2 or 3 Water))~~ F water, ~~((the ordinary high water mark of a Type 4 Water or flowing Type 5 Water))~~ bankfull width of a Type N water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

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(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals) or is a multiyear permit. Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

\**(c)* Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

\**(d)* Any of the following if none of the operation or limits of construction takes place within ~~((the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water))~~ 200 feet of the bankfull width of any typed waters, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

\**(e)* Any of the following if none of the operation or limits of construction takes place within the riparian management zone of ~~((a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water))~~ any typed water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the oper-

ations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of ~~((600 or more feet of))~~ roads outside areas of high surface erosion, unstable areas and hydric soils, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

\**(b)* Those within the shorelines of the state other than those in a Class I forest practice.

\**(c)* Aerial application of insecticides, except where classified as a Class IV forest practice.

\**(d)* Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

\**(e)* Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

\**(f)* All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

\**(h)* Road maintenance involving:

(i) Replacement of bridges or culverts across ~~((Type 1, 2, 3, or flowing Type 4 Waters))~~ any typed waters; or

(ii) Movement of material that has a direct potential for entering ~~((Type 1, 2, 3 or flowing Type 4 Waters))~~ any typed waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

\**(n)* Any filling of wetlands, except where classified as Class IV forest practices.

\**(o)* Multiyear permits.



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

**AMENDATORY SECTION** (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

**WAC 222-20-010 Applications and notifications—Policy.** (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in *WAC 222-20-020(1)* exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the

department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification (~~indicates that the landowner or timber owner is also~~) has been signed by the operator, ((or an operator signed the application,)) then no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record. Operations on an approved application/notification cannot commence until the name of the operator is known and the written notice has been provided to the department.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

#### NEW SECTION

**WAC 222-20-015 Multiyear permits.** \*(1) Where a watershed analysis has been completed for a WAU under WAC 222-22 a landowner(s) may apply for a five-year permit. The application for this permit must contain the proposed forest practices for the landowner over the five year period. The application must also identify if the proposed forest practices are within areas of resource sensitivity and, if

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so, what prescriptions will be used in these areas. Once the permit expires, a new application may not be applied for until the five-year review of the watershed analysis has been completed.

*\*(2)* Where a landowner has submitted a road maintenance and abandonment plan that involves forest practices that are more than Class I activities that require an application or notification, that plan may be considered an application for a multiyear permit where the schedule for implementing the road maintenance and abandonment is longer than two years, but does not exceed five years. The forest practices such as replacement of culverts, reconstruction of roads and abandonment need to be in adequate detail to review for protection of public resources.

AMENDATORY SECTION (Amending WSR 87-23-036, filed 11/16/87, effective 1/1/88)

**WAC 222-20-020 Application time limits.** (1) A properly completed application shall be approved, conditioned or disapproved within 30 calendar days for Class III and Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV" applications when the department or the lead agency has determined that a detailed environmental statement must be made, the application must be approved, conditioned or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960, or lands to be converted, the applicable time limit shall be no less than 14 business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least 14 business days from the date of transmittal to the county.

(3) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action: *Provided*, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(4) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence: *Provided*, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960, or lands to be converted where the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(c) Compliance with the State Environmental Policy Act requires additional time.

(5) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may disapprove the application until field conditions allow for an on-site review.

*\*(6) Multiyear permits will be approved, conditioned or disapproved within 60 days of receiving a complete application.*

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

**WAC 222-20-070 Emergency forest practices plan.** Prior to this exemption an operational plan identifying expectations for general practices must be in place. Once agreed upon ((No)) no prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, flood, wind-storm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice, the operator shall submit an application or notification to the department with an explanation why emergency action was necessary. Such emergency forest practices are subject to these regulations: The general practices shall identify how the operator will take reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event and: *Provided further*, The operator shall comply with any requirements of a notice to comply or stop work order as if conducted pursuant to an approved application. This plan will be included in the road maintenance and abandonment plan and updated on an annual basis at the request of the department.

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

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-010 Policy.** *\*(1)* Public resources may be adversely affected by the interaction of two or more forest practices. The purpose of this rule is to address these cumulative effects of forest practices on the public resources of fish, water, including nonfish biota and capital improvements of the state or its political subdivisions. The long-term objective of this rule is to protect and restore these public resources and the productive capacity of fish habitat adversely affected by

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forest practices while maintaining a viable forest products industry. The board intends that this be accomplished through prescriptions designed to protect and ~~((allow the recovery of))~~ recover fish, water, and capital improvements of the state or its political subdivisions, through enforcement against noncompliance of the forest practice rules in this Title 222 WAC, and through ~~((voluntary))~~ mitigation measures. This system also ~~((allows for))~~ in some cases requires monitoring, subsequent watershed analysis, and adaptive management.

\* (2) Adaptive management in a watershed analysis process requires advances in technology and cooperation among resource managers. The board finds that it is appropriate to promulgate rules to address certain cumulative effects by means of the watershed analysis system, while recognizing the pioneering nature of this system and the need to monitor its success in predicting and preventing adverse change to fish, water, and capital improvements of the state and its political subdivisions.

\* (3) Many factors other than forest practices can have a significant effect on the condition of fish, water, and capital improvements of the state or its political subdivisions. Non-forest practice contributions to cumulative effects should be addressed by the appropriate jurisdictional authorities. When a watershed analysis identifies a potential adverse effect on fish, water, and capital improvements of the state or its political subdivisions from activities that are not regulated under chapter 76.09 RCW, the department should notify any governmental agency or Indian tribe having jurisdiction over those activities.

\* (4) The rules in this chapter set forth a system for identifying the probability of change and the likelihood of this change adversely affecting specific characteristics of fish, water, and capital improvements of the state or its political subdivisions, and for using forest management prescriptions to avoid or minimize significant adverse effects from forest practices. The rules in this chapter are in addition to, and do not take the place of, the other forest practices rules in this Title 222 WAC.

\* (5) These rules are intended to be applied and should be construed in such a manner as to minimize the delay associated with the review of individual forest practice applications and notifications by increasing the predictability of the process and the appropriate management response.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-030 Qualification of watershed resource analysts, specialists, and field managers.** \* (1) The department shall set the minimum qualifications for analysts participating in level 1 assessments conducted under WAC 222-22-050, for specialists participating in level 2 assessments conducted under WAC 222-22-060, and for field managers participating in recommendation of prescriptions under WAC 222-22-070. The minimum qualifications shall be specific for the disciplines needed to participate in level 1 and level 2 assessments and in the recommendations of prescriptions, and shall include, at a minimum, formal education in the relevant discipline and field experience. Minimum qualifications for analysts participating in level 2 assessments

should typically include a graduate degree in the relevant discipline.

\* (2) The department shall coordinate with relevant state and federal agencies, affected Indian tribes, forest land owners, local government entities, and the public to seek and utilize available qualified expertise to participate in watershed analysis.

\* (3) Qualified analysts, specialists, and field managers shall, while and only for the purpose of conducting a watershed analysis or monitoring in a WAU, be duly authorized representatives of the department for the purposes of RCW 76.09.150 making watershed analysis a public process.

\* (4) An individual may qualify in more than one science or management skill. Qualification under subsection (1) of this section shall be effective for 5 years. When a qualification expires, a person requesting requalification shall meet the criteria in effect at the time of requalification.

\* (5) The department shall provide and coordinate training for, maintain a register of, and monitor the performance of qualified analysts, specialists, and field managers by region. The department shall disqualify analysts, specialists, and field managers who fail to meet the levels of performance required by the qualification standards.

#### NEW SECTION

**WAC 222-22-035 Watershed screening.** The department or a landowner that owns ten percent of the nonfederal forest land in a WAU will screen each WAU to determine if watershed analysis is required and whether a level 1 assessment or level 2 assessment is required. The screen will be developed in consultation with TFW, with objective of determining which WAUs may require additional environmental protection where the standard rules are not adequate to protect public resources.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-040 Watershed prioritization.** (1) The department shall determine, by region, the order in which it will analyze WAUs that require watershed analysis (WAC 222-22-035). The department shall cooperate with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public in setting priorities. In setting priorities or reprioritizing WAUs, the department shall consider the availability of participation and assistance that may be provided by affected Indian tribes and local government entities.

\* (2) Except as set forth in subsection (3) of this section, the department shall undertake a watershed analysis on each WAU, in the order established under subsection (1) of this section.

\* (3) The owner or owners of ten percent or more of the nonfederal forest land acreage in a WAU may notify the department in writing that the owner or owners intend to conduct a level 1 assessment, level 2 assessment, or both, and the prescription recommendation process on the WAU under this chapter at their own expense. The notice shall identify the teams proposed to conduct the watershed analysis, which

shall be comprised of individuals qualified by the department pursuant to WAC 222-22-030. The department shall promptly notify any owner or owners sending notice under this subsection if any member of the designated teams is not so qualified. Within 30 days of delivering a notice to the department under this subsection, the forest land owner or owners shall begin the level 1 assessment under WAC 222-22-050 or, at its option, the level 2 assessment under WAC 222-22-060. An approved forest land owner team shall, while and only for the purposes of conducting a watershed analysis in a WAU, be a duly authorized representative of the department for the purposes of RCW 76.09.150. The board encourages forest land owners conducting assessments under this chapter to include available, qualified expertise from state and federal agencies, affected Indian tribes, forest land owners, local government entities, and the public.

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**\*4)** Before beginning an analysis in a WAU, the department or the forest land owner conducting the analysis shall provide reasonable notice, including notice by regular United States mail where names and addresses have been provided to the department, to all forest land owners in the WAU, and to affected Indian tribes. The department or the forest land owner shall provide reasonable notice to the public and to state, federal, and local government entities, by, among other things, posting the notice conspicuously in the office of the departmental region containing the WAU. The notice shall be in a form designated by the department and give notice that an analysis is being conducted, by whose team, the time period of the analysis, and the dates and locations in which the draft analysis will be available for review and comment.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-050 Level 1 watershed resource assessment.** **\*1)** To begin a watershed resource analysis on a WAU, the department shall assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1). A forest land owner or owners acting under WAC 222-22-040(3) may assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1) or, at its option, may begin the analysis under WAC 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include persons qualified in:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science; and
- (e) Geomorphology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

**\*2)** The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of resource condition, and checklists set forth in the manual in accordance with the following:

(a) The team shall survey the WAU for fish, water, and capital improvements of the state or its political subdivisions and shall display their location on a map of the WAU. The team shall determine the current condition of the resource characteristics of these resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on the map of the WAU. The criteria used to determine current resource conditions shall include indices of resource condition, in addition to such other criteria as may be included in the manual. The indices will include two levels, which will distinguish between good, fair, and poor conditions.

(b) The team shall assess the likelihood that identified watershed processes in a given physical location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish, water, or capital improvements of the state or its political subdivisions. (This process is referred to in this chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall rate this likelihood of adverse change and deliverability as "high," "medium," "low," or "indeterminate." Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(c) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (b) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (a) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(d) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (b) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c) of this subsection:

Table 1

Areas of Resource Sensitivity and Management Response

		Likelihood of Adverse Change and Deliverability		
		Low	Medium	High
Vulnerability	Low	Standard rules	Standard rules	Response: Prevent or avoid
	Medium	Standard rules	Response: Minimize	Response: Prevent or avoid
	High	Standard rules	Response: Prevent or avoid	Response: Prevent or avoid

The team shall display the areas of resource sensitivity on the map of the WAU.

(e) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC 222-22-060, during which the uncertainties shall be resolved.

(f) The team shall prepare a causal mechanism report regarding the relationships of each process identified in (b) and (c) of this subsection. The report shall demonstrate that the team's determinations were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team identifies areas in which voluntary corrective action will significantly reduce the likelihood of material, adverse effects to the condition of a resource characteristic, the team shall include this information in the report, and the department shall convey this information to the applicable land owner.

~~\*(3) (Within 21 days of mailing notice under WAC 222-22-040(4), the)~~ The level 1 team shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU marked as set forth in this section and the causal mechanism report proposed under subsection (2)(f) of this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential resource sensitivities, or the causal mechanism report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 1 assessment delivered to the department contains alternative designations, the department shall within 21 days of the receipt of the draft level 1 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

\*(4) If the level 1 assessment contains any areas in which the likelihood of adverse change and deliverability or

resource vulnerability are identified as indeterminate under this section or if the level 1 methodology recommends it, the department shall assemble a level 2 assessment team under WAC 222-22-060 to resolve the uncertainties in the assessment, unless a forest land owner acting under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

\*(5) Pending the completion of the level 2 assessment, if any, on the WAU, the department shall select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3) and 222-22-080(3) and shall apply them to applications and notifications as provided in WAC 222-22-090 (1) and (2). Before submitting recommended interim prescriptions to the department, the field managers' team under WAC 222-22-070(1) shall review the recommended prescriptions with available representatives of the jurisdictional management authorities of the fish, water, and capital improvements of the state or its political subdivisions in the WAU, including, but not limited to, the departments of fish and wildlife, ecology, and affected Indian tribes.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-060 Level 2 watershed resource assessment.** \*(1) The department, or forest land owner acting under WAC 222-22-040(3), may assemble a level 2 assessment team either, in the case of a forest land owner, to begin a watershed analysis or to review the level 1 assessment on a WAU. The level 2 team shall consist of specialists qualified under WAC 222-22-030(1). Each level 2 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include persons qualified in:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science; and
- (e) Geomorphology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to designate one qualified member of the team at its own expense.

\*(2) The level 2 team shall perform an assessment of the WAU utilizing the methodology, indices of resource condition, and checklist set forth in the manual in accordance with the following:

(a) If a level 1 assessment has not been conducted under WAC 222-22-050, the assessment team shall complete the tasks required under WAC 222-22-050(2), except that the level 2 team shall not rate any likelihood of adverse change and deliverability or resource vulnerability as indeterminate.

(b) If the level 2 team has been assembled to review a level 1 assessment, the level 2 team shall, notwithstanding its optional review of all or part of the level 1 assessment, review each likelihood of adverse change and deliverability and resource vulnerability rated as indeterminate and shall revise each indeterminate rating to low, medium, or high and shall revise the map of the WAU accordingly.

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~~\*(3) ((Within 60 days of mailing notice under WAC 222-22-040(4) where a watershed analysis begins with a level 2 assessment or within 60 days of beginning a level 2 assessment after completion of a level 1 assessment, the))~~ The level 2 team shall submit to the department its draft level 2 assessment, which shall consist of the map of the WAU and the causal mechanism report.

\*(4) The level 2 team shall endeavor to produce a consensus report. If the level 2 team is unable to agree as to one or more areas of resource sensitivity or the casual mechanism report, alternative designations and an explanation therefor shall be included in the draft assessment. Where the draft level 2 assessment delivered to the department contains alternative designations or reports, the department shall within 30 days of the receipt of the draft level 2 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

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

#### NEW SECTION

**WAC 222-22-065 Review of assessments.** After the assessment is complete, a review of the assessment will be coordinated by the department, to ascertain if the assessment met the intent of the manual. If the assessment is not adequate, then the issues must be resolved before the field managers team begins.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-070 Prescription recommendation.** \*(1) For each WAU for which a watershed analysis is undertaken, the department, or forest land owner acting under WAC 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in the methodology, and shall generally include persons qualified in:

- (a) Forest resource management;
- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology; and
- (d) Fisheries science or management.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

\*(2) Each forest land owner in a WAU shall have the right to submit to the department or the forest land owner conducting the watershed analysis prescriptions for areas of resource sensitivity on its land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

\*(3) For each identified area of resource sensitivity, the field managers' team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend to the department prescriptions. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

(a) The prescriptions shall be designed to provide forest land owners and operators with as much flexibility as is reasonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;

(b) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity; and

(c) The regulation of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.

\*(4) The field managers' team shall submit the recommended prescriptions to the department ~~((within 30 days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within 21 days of the submission to the department of the level 1 assessment under WAC 222-22-050)).~~ If the field managers' team cannot reach consensus recommendations within 30 days the prescriptions and any alternatives will be forwarded to the department. The department will then have 30 days to develop the prescriptions.

#### NEW SECTION

**WAC 222-22-075 Monitoring.** To assure that prescriptions will be effective, a monitoring plan shall be developed to identify whether the prescriptions are effectively minimizing, preventing or avoiding, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics. The information collected in this plan will be used to evaluate the watershed analysis under WAC 222-22-090.

#### NEW SECTION

**WAC 222-22-076 Restoration.** As prescriptions are developed, restoration opportunities will also be identified and used to develop actions that can be prescribed for short-term issues (i.e., such as large woody debris placement to provide short-term function until recruitable wood is available).

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-22-090 Use and review of watershed analysis.** (1) Where a watershed analysis has been completed for a WAU under this chapter:

(a) Any landowner within the WAU may apply for five year permit to carry out forest practices according to the watershed analysis prescriptions. Upon completion of the five-year review of the assessment and prescriptions under WAC 222-22-090 (4)(a), landowner may apply for a renewal of the permit.

(b) ~~((Forest))~~ Nonfive year forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner shall use in conducting the forest practice in the area of resource sensitivity;

~~((b))~~ (c) The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

~~((e))~~ (d) The department shall confirm that the prescription selected under (a) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

~~((d))~~ (e) The department shall not further condition forest practice applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practice applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

\* (2) Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available. Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

\* (3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and management strategies in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

\* (4) Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter

to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless the department determines, in cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current watershed analysis pending the completion of any revisions.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-24-010 Policy.** \*(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

\* (2) All road and landing construction within wetlands shall be conducted so that choices are made in the following descending order of preference in order to assure that there is no net loss of wetland functions:

(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length; or

(b) Minimize impacts by such things as reducing the sub-grade width, fill acreage and spoil areas; or

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(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or

(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or

(e) Replace affected areas by creating new wetlands or enhancing existing wetlands at a minimum of a 2:1 ratio.

\*~~(3)~~ An accurate delineation of wetland boundaries shall not be required under this section except where necessary to determine acreage of road or landing construction which fills or drains more than 0.5 acre of a wetland. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long-term.

\*~~(4)~~ Extra protection is required during road construction and maintenance to protect these resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate to develop road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

\*~~(5)~~ This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-020 Road location and design.** The board manual outlines the best management practices for locating and designing a road.

(1) ~~((Fit the))~~ Design road systems to the topography so that a minimum of alterations to the natural features will occur.

\*~~(2)~~ Roads are not to be constructed in bogs.

\*~~(3)~~ All roads should be outsloped with appropriate surface drainage or insloped with a drainage management plan addressing sedimentation delivery with adequate cross drains, ditches, drivable dips, relief culverts, water bars, diversion ditches, or other such structures demonstrated to be equally effective.

\*~~(4)~~ Minimize roads along or within narrow canyons, riparian management zones, wetlands and wetland management zones.

(a) ~~((Except where crossings are necessary, r))~~ Roads shall not be located within natural drainage channels and riparian management zones when there would be substantial loss or damage to wildlife habitat unless the department has determined that alternatives will cause greater damage to public resources.

(b) Roads shall not be located in wetlands when there would be substantial loss or damage to wetland functions or acreage unless the department has determined that alternatives will cause greater damage to public resources.

(c) Approximate determination of wetland boundaries shall be required for the purpose of avoidance during design

~~and construction of roads. ((Landowners should attempt to minimize road length concurrently with the attempt to avoid wetlands.))~~ Delineation shall be required to determine the length of road ((constructed within a)) affecting wetland function in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.

~~((3) Minimize the number of stream crossings.))~~

~~((4) Whenever practical, cross streams at right angles to the main channel.))~~

\*~~(5)~~ Permanent stream crossing shall be minimized based on sub-basin road sediment budgets. Stream crossings shall minimize alterations to natural features. Culverts located in typed waters shall be designed to prevent sediment delivery.

~~(6)~~ Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

~~(7)~~ Avoid grade dips on approaches over bridges and culverts. If grade dips are necessary, minimize the impact by outsloping or constructing maintainable drainage dips to route water off the road surface and onto the forest floor.

~~((6))~~ \*~~(8)~~ ~~((Where feasible,))~~ ~~((d))~~ Do not locate roads on ((excessively)) steep or unstable slopes or ((known)) slide prone areas ((as determined by the department)). The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides ~~((or where the natural slope exceeds the angle of repose for the particular soil types present)),~~ or by the presence of potentially unstable landforms such as bedrock hollows, convergent headwalls, inner gorges, or other steep slopes, or where springs or seeps may indicate unstable conditions are present in or above the construction site. Location of roads in such areas may be considered Class IV-Special forest practices under WAC 222-16-050(d).

~~((Essential-r))~~ Road construction ((will be accomplished)) may be permitted by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050 (1)(e).

~~(9)~~ Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.

~~(10)~~ Relief drainage structures installed on forest roads shall meet the following minimum specifications:

(a) Outslope with armored drivable water dips to control surface runoff.

(b) Insloped roads and ditches require relief drainage structures —

(i) Culverts will be at least 18 inches in diameter or equivalent with relief devices not to exceed 300 feet spacing unless otherwise stated in a drainage management plan.

(ii) Be installed sloping toward the outside edge of the road at a minimum gradient of 3 percent.

(iii) Settlement ponds and relief drainage structures are required within 80 feet of typed waters with the potential road sediment delivery.



(11) Ditch diversion. Where roadside ditches slope toward a Type S, F, or N water, or Type A or B Wetland for more than 300 feet and otherwise would discharge into the stream or wetland, divert the ditchwater onto the forest floor by relief culvert or other means at the first practical point.

(12) Filling or draining more than 0.5 acre of a wetland requires replacement by substitution or enhancement of the lost wetland functions at a minimum of a 2:1 ratio. See the Board Manual. Replacement or substitution should be of the same type and in the same general location.

\*(13) Road surface sediments shall be minimized by utilizing restricted haul periods or alternative drainage management strategies. A haul route drainage management plan minimizing sediment is required for partial or nonrestricted haul.

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

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-030 Road construction. The board manual contains best management practices for constructing roads.

(1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

\*(2) Debris burial. ~~((a))~~ In permanent road construction, do not bury:

~~((i))~~ (a) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

~~((ii))~~ (b) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

~~((iii))~~ (c) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

~~((b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.))~~

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\*(4) Stabilize soils. ~~((When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas))~~ Soils exposed by road construction shall be seeded with

grass, clover, or other ground cover, or be treated by erosion control measures ~~((acceptable to the department))~~ in the first growing season. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

\*(5) Channel clearance. Clear stream channels and ditches of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first. Refer to the board manual regarding guidelines for removal of debris and slash from channels and ditches.

\*(6) Drainage.

(a) All required outsloping ditches, ~~((culverts))~~, stream crossings, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

\*(7) Moisture conditions. Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

\*(8) End haul/sidecasts. End haul or overhaul construction is required where significant amounts of sidecast material would rest below the ~~((50))~~ 100-year flood level of a Type ~~((1, 2, 3, or 4 Water))~~ S, F, or N water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

\*(9) Waste disposal. When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type ~~((1, 2, 3, or 4 Waters))~~ S, F, or N waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) **Disturbance avoidance for northern spotted owls.** Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

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(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(11) Disturbance avoidance for marbled murrelets.**

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

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

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/9/92 [8/2/92])

**WAC 222-24-035 Landing location and construction.**

**\* (1) Landing location:**

Locate landings to prevent damage to public resources. Avoid excessive excavation and filling. Minimize placement and size of landings within wetlands. Landings shall not be located in Type A or B Wetlands or their wetland management zones.

**(2) Landing construction.**

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\* (c) Truck roads, skid trails, and fire trails shall be out-sloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

\* (d) Landings shall be sloped to minimize accumulation of water on the landing.

\* (e) Excavation material shall not be sidecast where there is high potential for material to enter Type A or B Wetlands or wetland management zones or below the ~~((ordinary high water mark))~~ bankfull width of any stream or the ~~((50))~~ 100-year flood level of Type ~~((1, 2, 3, or 4 Water))~~ S, F, or N water.

\* (f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavail-

able. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

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

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-24-040 Water crossing structures. \* (1) ~~((Bridge construction.))~~ All typed waters.**

(a) Bridges are required for new or constructed crossings of any ~~((Type 1 or 2 Waters))~~ waters regularly used for recreational boating.

~~((b) ((Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.~~

~~((e)))~~ One end of each new or reconstructed permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the ~~((50))~~ 100-year flood level.

~~((d))~~ ~~Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high water mark of all waters, except when such operations are authorized by a hydraulic project approval.~~

~~((e))~~ ~~Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.~~

~~((f))~~ ~~When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.)~~

\* **(2) Type S or F waters:** In addition to applicable general provisions above, installation, maintenance, and removal of water crossing structures in or across the bankfull width of Type S and F waters are subject to hydraulic code rules WAC 222-110 and require a hydraulic project approval issued by the department of fish and wildlife.

\* **(3) Type N waters - bridges:** In addition to applicable general provisions above, installation, maintenance, and removal of permanent bridges in or across the bankfull width of Type N waters are subject to the following provisions:

(a) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 100-year flood, or the bridge, associated embankments and fills, and all potentially inundated areas, shall be provided sufficient erosion protection to withstand the 100-year flood.

(b) Excavation for and placement of the bridge foundation and superstructure shall be located and accomplished from outside the bankfull width. This requirement may be waived if it can be demonstrated that such activities may be conducted in such a manner as to prevent damage to public resources.

(c) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored

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according to the recommended schedule and procedures found in the board manual. This requirement may be modified or waived by the department if precluded by engineering or safety factors.

(d) Earthen embankments constructed for use as bridge approaches shall be provided sufficient erosion protection to withstand the 100-year flood.

(e) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.

**\* (4) Type N waters-culverts:** In addition to applicable general provisions above, installation, maintenance, and removal of permanent culverts in or across the bankfull width of Type N waters are subject to the following provisions:

**((Culvert installation\*))**

(a) ~~All permanent culverts ((installed in forest roads shall be of a size that is adequate to carry)) shall be designed to pass the ((50)) 100-year flood. ((of the road shall be constructed to provide erosion protection from the 50 year flood waters which exceed the water-carrying capacity of the drainage structure-))~~ The culvert, associated embankments and fills, and all potentially inundated areas shall provide sufficient erosion protection to withstand the 100-year flood. Refer to "Recommended culvert sizes" in the forest practices board manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in the forest practices board manual or with other generally accepted engineering principles.

~~((a))~~ (b) No permanent culverts shall be installed that are smaller than:

(i) 24 inches in diameter ~~((or the equivalent for anadromous fish streams or wetlands where anadromous fish are present))~~ for Type N perennial streams.

(ii) 18 inches or the equivalent for ~~((resident game fish streams))~~ Type N seasonal streams.

~~((iii))~~ 18 inches or the equivalent for all other water or wetland crossings in western Washington:

~~((iv))~~ 15 inches or the equivalent for all other water or wetland crossings in eastern Washington:))

~~((b))~~ (c) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

~~((c))~~ When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point shall be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock

spillways, (iii) riprap, (iv) splash plates, or (v) other methods or structures demonstrated to be equally effective:))

(d) Culverts shall be designed and installed so that they will not cause scouring of the stream bed and erosion of the banks in the vicinity of the project.

(e) During installation of the culvert, all streamflow shall be diverted using a bypass flume or culvert, or by pumping the streamflow around the work area. This requirement may be waived if it can be demonstrated that less siltation and turbidity would be produced by installing the culvert in the flowing stream.

(f) Fill associated with culvert installation shall be provided sufficient erosion protection to withstand a 100-year flood.

(g) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the board manual. This requirement may be modified or waived by the department if precluded by engineering or safety factors.

~~((g))~~ (h) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

~~((h))~~ (i) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

~~((3))~~ **Culverts in anadromous fish streams.** In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) ~~Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.~~

(b) ~~Closed bottom culverts shall not slope more than 1/2 percent, except as provided in (c) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.~~

(c) ~~Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).~~

(d) ~~Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.~~

(e) ~~Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.~~

(f) ~~The department, after consultation with the department of fish and wildlife, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.~~

(g) ~~Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulic project approval:))~~

~~((4))~~ **\* (5) Type N waters - Temporary water crossings.**

(a) ~~Temporary bridges and culverts, ((adequate to carry the highest anticipated flow in lieu of carrying the 50 year flood;)) may be used:~~

(i) In the westside region if installed after June ((+)) 15 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be designed to pass the flood expected to occur once in 100 years during the season of installation.

(c) Alteration or disturbance of the stream bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in the Board Manual. This requirement may be modified or waived by the department if precluded by engineering or safety factors.

(d) During installation of a temporary culvert, all streamflow shall be diverted using a bypass flume or culvert, or by pumping the streamflow around the work area. This requirement may be waived if it can be demonstrated that less siltation and turbidity would be produced by installing the culvert in the flowing stream.

(e) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

(((e))) (f) Temporary wetland crossings shall be abandoned and restored based on a written plan approved by the department prior to construction.

(((5))) \*(6) Fords. Properly prepared and maintained fords may be used in Type N waters during periods of low water providing a hydraulic permit is acquired.

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

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

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-24-050 Road maintenance.** \*(1) **Road maintenance, drainage management, and abandonment plan.**

(a) The landowner when notified by the department shall submit a plan for road maintenance, drainage management, and/or abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. Once notified the landowner must within 90 days submit to the department for review and approval, a plan for those drainages or road systems within the identified area. The plan must pay particular attention to those road segments that block fish passage or have the potential to deliver water or sediment to any typed water. The plan is subject to annual review and shall include:

(i) Ownership maps showing the road or road system;

(ii) Road status, whether active, inactive, orphan, abandoned or planned for abandonment;

(iii) Maintenance schedule ~~((and priorities for the year))~~ including storm maintenance, drainage management strategies and priorities which will consider the road proximity to water, and roads delivering to typed waters; and

(iv) Plan for further maintenance and reconstruction beyond the current year for ~~((repair of extensive damage))~~ bringing roads up to standards, preventing sedimentation, removing fish passage blockages and reducing hydrologic impacts. Restoring fish passage, reducing sediment, and reducing hydrologic impacts will be priorities considered in the maintenance schedule.

\*~~(2)~~(a) All landowners with 500 acres or more of ownership in areas not currently covered by an approved watershed analysis (see chapter 222-22 WAC), road maintenance plan, or other agreement where an acceptable road maintenance plan is part of the agreement, must submit a road maintenance plan for all roads in their ownership within 5 years of the effective date of this rule. The plan must meet the requirements outlined above in subsection (1) of this section. The plan must be submitted to the department with at least 20% of a landowner's ownership each year. Landowners will prioritize which plans will be submitted first based on whether a road system or drainage contains a listed water body or species; sensitive geology/soils or history of failure; level of use or restoration projects coincide in the same drainage; in this order of preference.

(b) Landowners hauling timber on active haul routes not covered under a department approved road maintenance and abandonment plan, an approved watershed analysis or other agreement in which a road maintenance and abandonment plan is part of the agreement must submit a drainage management plan with each application.

(c) ~~((The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.))~~ Landowners with less than 500 acres within the areas in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC must submit a road maintenance and abandonment plan along with the forest practice notification or application for proposed road or harvest activities. The plan must cover their entire ownership.

(((b))) (d) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

(((d))) (e) Such plans shall also be reviewed with the departments of ecology, fish and wildlife, affected Indian tribes, and interested parties, any of whom may request the department to hold an informal conference with the landowner.

(f) The department will review the plan annually with the landowner, departments of ecology, and fish and wildlife, affected Indian tribes and interested parties to determine whether it will be effective and is being implemented.

(g) An approved road maintenance and abandonment plan will be considered a multi-year permit for accomplishing those actions approved in the plan.

(h) Roads that are not in compliance with the approved plan may not be used without department approval.

(NOTE: The road maintenance and abandonment training manual and other materials made available by the department can be used for guidance in developing road maintenance and abandonment plans.)

\***(2) Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) ~~((Culverts))~~ Outsloping and armored drivable dips shall be maintained.

(b) Stream crossings, cross drains and ditches shall be kept functional.

(c) Restricted haul will be required unless a road maintenance and abandonment plan is in place for the haul route.

~~((b))~~ (d) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

~~((e))~~ (e) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

\***(3) Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared, stream crossings and cross drains and the road surface shall be crowned, ~~((outsloped;))~~ water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall outslope and clear culverts or repair ditches ~~((or culverts which he/she knows or should know to be nonfunctional and causing or))~~ and cross drains likely to cause material damage to a public resource.

(c) ~~((The))~~ If a landowner allow public use, the landowner shall ((not)) be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by the public use, ((-unless he/she fails to make repairs as directed by a notice to comply-)) Landowners are encouraged to control road use through gating or other opportunities such as the green dot program.

\***(4) Additional ~~((culverts/maintenance))~~ drainage management.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) ~~((Install))~~ Require additional ((or larger culverts or other)) drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

\***(5) Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance only after (e) of this subsection is completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and

(b) Ditches are left in a suitable condition to reduce erosion; and

(c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and

(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

\***(6) Orphan Roads.** A forest road which the forest landowner has not used since 1974 for forest practice activities. Many of these roads are overgrown or closed off but have not satisfied the formal abandonment process in accordance with procedures of (a) through (e) in subsection (5) above. Roads are exempt from maintenance only after (e) of subsection (5) above is completed.

\***(7) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type ~~((1, 2, or 3 or flowing Type 4 or 5 Water))~~ S, F, or N water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

~~((7))~~ \***(8) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.95I.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

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

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

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas.** Not covered by the Surface Mine Reclamation Act of 1971 (chapter 78.44 RCW).

\***(1) Location of pits.** Except as approved by the department, rock quarries and gravel pits opened after January 1, 1975 shall be located above the ~~((50))~~ 100-year flood level.

\***(2) Location of spoil disposal areas.** Except as approved by the department, spoil disposal areas shall be located:

(a) Above the ~~((50))~~ 100-year flood level.

(b) Where the final slope after disposal will be no steeper than 1 1/2:1.

(c) Where practical, on areas having low potential timber productivity.

(d) Where the risk of soil erosion and mass soil movement is minimal.

(e) All spoils shall be placed to allow drainage without additional water ponding.

(f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

\***(3) Pit drainage.** During construction and use of rock quarries, gravel pits, or borrow pits, runoff water shall be either diverted onto the forest floor or be passed through one or more settling basins as approved by the department.

**(4) Rehabilitation required.** All rock quarries, gravel pits, spoil disposal areas and borrow pits used after January 1, 1975 shall be reclaimed within 2 years from the time the rock or gravel source is either exhausted or abandoned.

**(5) Rehabilitation standards.** Where rehabilitation is required:

(a) Remove all deleterious material that has potential for damaging the public resource, the soil productivity, or that would prevent reforestation of an otherwise plantable area.

(b) Grade slopes to less than the angle of repose unless otherwise approved.

(c) Reforest in accordance with chapter 222-34 WAC to the extent practical.

(d) Seed unreforested exposed erodible soils with grass, clover or other ground cover.

\***(6) Major spoil disposal operations.** Where a spoil disposal operation involves more than 1,000 cubic yards of spoils:

(a) The spoils shall be placed to provide drainage onto the forest floor without water ponding within the disposal area;

(b) The site shall be reforested in accordance with chapter 222-34 WAC to the extent practical; and

(c) If significant erosion of the spoils develops, the eroding areas shall be water barred and any unreforested areas shall be matted, mulched, or seeded with grass or ground cover.

**AMENDATORY SECTION** (Amending WSR 95-15-011 [92-15-011], filed 7/2/92, effective 8/2/92)

**WAC 222-30-010 Policy—Timber harvesting.** \***(1)**

This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type ~~((1, 2 and 3 Waters))~~ S and N waters.

\***(2)** Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems. The wetland management zone and wetland requirements specified in this section are designed to protect these wetland functions when measured over the length of a harvest rotation, although some of the functions may be reduced until the midpoint of the timber rotation cycle. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long-term.

\***(3) Riparian management zones (RMZ).** RMZs are designed to be fully functional by providing: Stream bank stability and sediment control, large woody debris and shade, and windthrow protection and favorable microclimate. RMZs shall be measured horizontally from the bankfull width on each side of Type S, F, and N waters, as defined in WAC 222-16-030, or from the outer edge of the channel migration zone, whichever is greater.

(Note: Other laws or regulations and/or permit requirements may apply. See chapter 222-50 WAC.)

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

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

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/31/97 [12/3/97], effective 1/3/98)

**WAC 222-30-020 Harvest unit planning and design.**

**(1) Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these ~~((regulations))~~ rules.

**\* (2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

**\* (3) Western Washington riparian management zones shall include:**

**(a) For Type S, F, and N waters, wetlands adjacent to the stream. When the RMZ overlaps a Type A or B wetland or a wetland management zone, the requirement which best protects public resources shall apply.**

**(b) For Type S and F perennial and seasonal waters:**

**(i) A 100 foot wide no-harvest and no-ground-based-yarding-equipment zone or**

**(ii) The applicant may propose an alternate plan for harvest within the 100 foot zone provided that a 30 foot-wide no-harvest and no-ground-based-equipment zone is provided and that the plan is predicated on improving riparian function. The plan must be agreed to by the departments of natural resources, fish and wildlife and ecology, and**

**(iii) An additional 70 foot wide zone or a distance equal to the site potential tree height (SPTH), whichever is greater, that includes an average of**

**Option 1 [10 trees per acre]**

**or**

**Option 2 [40 trees per acre].**

**(c) For Type N perennial and seasonal waters:**

**Option 1**

**(i) A two thirds SPTH no-harvest and no-ground-based-yarding-equipment zone on type N perennial streams, and one-half SPTH no-harvest and no-ground-based-yarding-equipment zone on Type N seasonal streams.]**

**or**

**Option 2**

**(i) A 30 foot wide no-ground-based-yarding-equipment zone**

**AND**

**(ii) Protection of the following sensitive sites:**

**(A) A 50 foot wide no-harvest and no-ground-based-yarding-equipment zone for 500 feet directly upstream from any perennial Type N water above a Type S or F water AND**

**(B) A 50 foot wide no-harvest and no-ground-based-equipment radius measured from the junction of two perennial Type N waters, and**

**(C) At the initiation point of perennial flow on a Type N water;**

**(D) A 50 foot wide no-harvest and no-ground-based equipment zone for a perennial seep or spring as defined in WAC 222-16-030, within 100 feet of a perennial Type N water;**

**(E) A no-harvest and no-ground-based-equipment zone for landslide-prone headwalls and inner gorges as defined in WAC 222-16-010; and**

**(F) A no-harvest and no-ground-based-equipment zone for a channel disturbance zone as defined in WAC 222-16-010.**

**(G) Tailed frog habitat defined as channel gradients greater than 20% with granitic or basaltic geology; and**

**(iii) For Type N perennial waters, shade from commercial tree species is required as follows:**

**(A) The stream length protected within sensitive sites (refer to (c)(ii) above) shall equal at least 50% of the total length of perennial Type N waters within the boundaries of each unit of the application or notification.**

**(B) If 50% is not met as required in subsection (i) above, then additional trees shall be left in any of the following areas until at least 50% is achieved:**

**(I) Channel gradients less than 20% (low gradient areas);**

**(II) Hyporheic areas defined in WAC 222-16-010;**

**(III) Starting at the most downstream boundary of the unit and working upstream.]**

**(\*(3) ~~Western Washington riparian management zones.~~ These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.**

**(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.**

**(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.**

**(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.**

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~~Western Washington Riparian Leave Tree Requirements~~

<del>Water Type/ Average Width</del>	<del>RMZ Maximum Width</del>	<del>Ratio of Conifer to Deciduous/ Minimum Size Leave Trees</del>	<del># Trees/1000 ft. each side Gravel/ Cobble Boulder/Bed rock &lt;10" Diameter</del>	
<del>1 &amp; 2 Water 75' &amp; over</del>	<del>100'</del>	<del>representative of stand</del>	<del>50 trees</del>	<del>25 trees</del>
<del>1 &amp; 2 Water under 75'</del>	<del>75'</del>	<del>representative of stand</del>	<del>100 trees</del>	<del>50 trees</del>
<del>3 Water 5' &amp; over</del>	<del>50'</del>	<del>2 to 1/ 12" or next largest available</del>	<del>75 trees</del>	<del>25 trees</del>
<del>3 Water less than 5'</del>	<del>25'</del>	<del>1 to 1/ 6" or next largest available</del>	<del>25 trees</del>	<del>25 trees</del>

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"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (e) of this subsection:))

**\*(4) Eastern Washington riparian management zones shall include:**

(a) For **Type S, F and N waters**, wetlands adjacent to the stream. When the RMZ overlaps a Type A or B wetland or a wetland management zone, the requirement which best protects public resources shall apply.

**(b) For Type S and F perennial and seasonal waters:**

(i) a 100 foot wide or a distance equal to a site-potential tree height, whichever is greater, no-harvest and no-ground-based-yarding-equipment zone, or

(ii) The applicant may propose an alternate plan for harvest within the 100 foot zone to address forest health salvage and fire prevention, provided that the proposal contains a 30 foot no-harvest and no-ground-based-equipment zone and

that the plan is predicated on improving riparian function. The plan must be agreed to by the departments of natural resources, fish and wildlife and ecology.

**(c) For Type N perennial and seasonal waters:**

Option 1

[(i) A two thirds SPTH no-harvest and no-ground-based-yarding-equipment zone on type N perennial streams, and one-half SPTH no-harvest and no-ground-based-yarding-equipment zone on type N seasonal streams.]

or

Option 2

[(i) A 30 foot wide no-ground-based-yarding-equipment zone AND

(ii) Protection of the following sensitive sites:

(A) A 50 foot wide no-harvest and no-ground-based-yarding-equipment zone for 500 feet directly upstream from any perennial Type N water above a Type S or F water AND

(B) A 50 foot wide no-harvest and no-ground-based-equipment radius measured from the junction of two perennial Type N waters, and

(C) at the initiation point of perennial flow on a Type N water;

(D) A 50 foot wide no-harvest and no-ground-based equipment zone for a perennial seep or spring as defined in WAC 222-16-030, within 100 feet of a perennial Type N water;

(E) A no-harvest and no-ground-based-equipment zone for landslide-prone headwalls and inner gorges as defined in WAC 222-16-010; and

(F) A no-harvest and no-ground-based-equipment zone for a channel disturbance zone as defined in WAC 222-16-010.



(G) Tailed frog habitat defined as channel gradients greater than 20% with granitic or basaltic geology; and

(iii) For Type N perennial waters, shade from commercial tree species is required as follows:

(A) The stream length protected within sensitive sites (refer to (c)(i) above) shall equal at least 50% of the total length of perennial Type N waters within the boundaries of each unit of the application or notification.

(B) If 50% is not met as required in subsection (i) above, then additional trees shall be left in any of the following areas until at least 50% is achieved:

(I) Channel gradients less than 20% (low gradient areas);

(II) Hyporheic areas defined in WAC 222-16-010;

(III) Starting at the most downstream boundary of the unit and working upstream.

~~((4) Eastern Washington riparian management zones. These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.~~

(a) ~~Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.~~

(b) ~~When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.~~

(c) ~~Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.~~

(i) ~~The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:~~

~~Partial cutting—The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream:~~

~~Other harvest types—The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream:~~

~~(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:~~

~~(A) Leave all trees 12 inches or less in diameter breast height (dbh); and~~

~~(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and~~

~~(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and~~

~~(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and~~

~~(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.~~

~~(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts:~~

~~(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.~~

~~(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.~~

~~(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.~~

Note: ~~(See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)~~

~~(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")~~

~~((5) Riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation:))~~

~~(5) Harvest units. Harvest units shall be designed so that felling, bucking, yarding or skidding can be accomplished in accordance with these rules.~~

~~\*(6) Forested wetlands. Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.~~

~~(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest~~

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area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required.

Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of fish and wildlife and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

**\* (7) Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

**\*(a) Wetland management zones (WMZ)** shall have variable widths based on the size of the wetland and the wetland type, described as follows:

**Wetland Management Zones**

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

\*For bogs, both forested and nonforested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need

not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

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\***(e)** Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

\***(f)** When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\***(8) Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

**(9) Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

**(10) Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

**(11) Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to pro-

tect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(c) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(d) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(e) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (d) of this subsection, may be modified as necessary based

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on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

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

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-30-070 Tractor and wheeled skidding systems. \*(1) Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in ~~((Type 1, 2 or 3 Water))~~, typed waters except with approval by the department and with a hydraulic project approval of the department of fish and wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any ~~((flowing Type 4 Water))~~ Type N water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

**\*(2) Riparian management zone.**

(a) Logging will be permitted within the zone for typed waters. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding ~~((in or through))~~ across the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

**\*(3) Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

**\*(4) Deadfalls.** Logs firmly embedded in the bed or bank of ~~((Type 1, 2, 3 or 4 Waters))~~ typed waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the department~~((s))~~ of fish~~((eries or))~~ and wildlife.

**\*(5) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

**(6) Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

**\*(7) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the ~~((50))~~ 100-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

**\*(8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be outsloped with drainage dips or water barred a minimum of every 10-foot vertical change where necessary to prevent soil erosion.

**\*(9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

**(10) Disturbance avoidance for northern spotted owls.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(11) Disturbance avoidance for marbled murrelets.** Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

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

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-38-020 Handling, storage, and application of pesticides. \*(1) No pesticide leakage, contamination, pollution.**

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

**\*(2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

**\*(3) Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(5) Aerial application of pesticides.** The forest practices board manual outlines the best management practices to be used for aerial application of pesticides. See WAC 222-12-090(16).

(a) To keep pesticides out of the water, leave the following:

Option 1

[(i) A minimum 50 foot buffer width for applications made with favorable wind conditions.

[(ii) A minimum of 250 feet for applications made in unfavorable wind conditions.

[(iii) An alternate plan of buffer widths less than 250 feet with equal or greater drift protection in unfavorable wind conditions.]

OR

Option 2

[(i) A minimum buffer width of 50 feet for applications made with favorable wind conditions.

[(ii) Variable buffer widths of 50 to 325 feet subject to spray nozzle type and spray release in unfavorable wind conditions.

[(iii) An alternate plan of buffer widths less than 325 feet with equal or greater drift protection in unfavorable wind conditions.]

OR

Option 3

[(i) A 50 foot buffer strip on all typed waters, except segments of Type ((4 and 5)) N waters with no surface water and other areas of open water, such as ponds or sloughs.

[(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in

advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type ((4 and 5)) N waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

**\*(6) Ground application of pesticides with power equipment.**

Leave a ((25)) 30-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type ((4 and 5)) N waters with no surface water.

**\*(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

**\*(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

**\*(10) Daily records - aerial application of pesticides.**

On all aerial applications of pesticides, the operator shall maintain for 7 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

**\*(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

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

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-38-030 Handling, storage, and application of fertilizers.** **\*(1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

**\*(2) Riparian management zone.** Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(3) Wetland management zone.** Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a ~~((25))~~ 30 foot buffer on all Type ~~((1, 2, and 3 Waters))~~ S and F waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of

the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

**\*(5) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(6) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

**NEW SECTION**

**WAC 222-46-055 Compensation for resource damages.** The department will develop a schedule of penalties for compensation of resource damages where violations of the forest practices act and/or rules results in material damage to public resources (WAC 222-46-030 and WAC 222-46-040). This schedule should be developed by the department by January 1, 1999 for consideration by the Forest Practices Board for rule adoption. The schedule should be developed in consultation with the departments of fish and wildlife and ecology. Once adopted the schedule can be used to compensate for damage to public resources that cannot be completely recovered, or where the damage to public resources will have effects of a term longer than five years. These monies can be used by the department of natural resources, fish and wildlife or ecology for restorative activities that will mitigate for the resource damage (RCW 76.09.180). Resource damage assessments may be mitigated by the department if the violator chooses to perform restoration that replaces the functions lost as a result of the violation.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-46-060 Civil penalties.** (1) **Amount of penalty.** Every person who violates any provisions of RCW 76.09.010 through 76.09.280 or of the forest practices rules adopted pursuant thereto, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for each such violation. Each and every such violation shall be a separate and distinct violation. In case of a failure to comply with a stop work order, every day's continuance thereafter shall be a separate and distinct violation.

(2) **Penalty assessments** shall consider the following:

(a) Repairability of the adverse effect from the violation;

(b) Whether the violation of the act or rules was intentional;

(c) Cooperation with the department;

(d) Previous violation history;  
 (e) Severity of the impact or the potential for material damage to public resources; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and did not receive substantial economic benefits from the violation.

(3) **Calculation of penalty.** The department shall evaluate any violation to determine if a civil penalty is warranted. When penalties are to be assessed they shall be calculated using the following process:

(a) Determine the base penalty; see WAC 222-46-065.

(b) The penalty may be adjusted using factors specific to the incident and the site. The following additional factors will be independently considered and added to the base penalty to calculate the civil penalty:

(i) Repairability:

Repairability shall be based on the length of time natural restoration or implementation of a restoration plan will take and whether repair can be achieved. The penalty will be substantially increased when natural restoration will not occur within three years and the damage cannot be effectively corrected. For this factor, up to double the base penalty may be added to the penalty.

(ii) Intention:

In making a determination of intent, the department shall consider, but not be limited to, the following considerations: The foreseeability of the violation; whether precautions were taken to avoid the violation; whether an informal conference or enforcement action was served on the violator prior to the violation. For this factor, up to double the base penalty may be added to the penalty.

(iii) Cooperation:

The department shall consider whether the violator did or did not make any attempt to correct the problem. Timeliness of action(s) and/or ignoring or evading agency contacts or directives shall determine if the penalty shall be increased. For this factor, up to double the base penalty may be added to the penalty.

(iv) Previous violation(s):

The department shall consider whether the violator has previous violations of a forest practice rule or regulation as documented in an enforcement action. The department may consider company organizations and assignment of operational responsibilities when evaluating previous violations. A history of violations with adverse impacts or potential for adverse impacts or that shows a pattern of ignoring the rules or the act, shall result in a substantially larger penalty.

Enforcement actions for the purposes of this section shall include notices to comply, stop work orders, civil penalties, and criminal citations when those enforcement actions are associated with forest practice violations. For this factor, up to quadruple the base penalty may be added to the penalty.

(v) Severity:

The department shall adjust the penalty based on the extent and magnitude of the damage or potential damage to public resources. For this factor, up to quadruple the base penalty may be added to the penalty.

(vi) Landowner involvement:

If in the opinion of the department, the landowner exercised reasonable prudence in the development of timber sale contracts or supervision of the forest practice operations, was unaware of the forest practice violation, and the landowner received no substantial economic benefit from the violation, then the landowner generally would not be assessed a civil penalty.

(c) In accordance with RCW 76.09.170, the penalty may not exceed ten thousand dollars for each and every violation.

(d) The department shall determine whether all or a portion of the penalty should be assessed against the operator, landowner, and/or timber owner. The department should consider the responsible party, the degree of control, the sophistication of the party and whether different parties conducted different violations.

(4) **Other participants.** Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty provided for in this section.

(5) **Government employees.** No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board created by the act for any act or omission in his/her duties in the administration of the act or of these rules.

(6) **Written notice.** The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity.

(7) **Remission or mitigation.** Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the ~~((department's manager of the region in which the penalty was issued))~~ supervisor of the department or his/her designee, for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper: *Provided*, That the department deems such remission or mitigation to be in the best interests of carrying out the purposes of the act. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as they may deem proper. The reviewer may reduce, dismiss or not change the civil penalty. ~~((Within fifteen days of the completion of the regional review, the person incurring the penalty may apply in writing to the supervisor of the department for further review.))~~

(8) **Right of appeal.** Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation. Concurrently with the filing of any appeal to the forest practices appeals board as pro-

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WSR 00-09-007  
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DEPARTMENT OF LICENSING

[Filed April 6, 2000, 2:48 p.m.]

vided in this section, the appellant shall file a copy of the appeal with the department region from which the penalty was issued and a copy with the office of the attorney general.

(9) **Penalties due.** The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final order or decision confirming the penalty in whole or in part.

(10) **Enforcement.** If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in the Forest Practices Act. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties.

(11) **Liens.** Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty. The department may collect such amounts in the same manner provided in chapter 60.04 RCW for mechanics' liens.

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

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-46-065 Base penalty schedule.** Violations of WAC 222-20-010, operation without an approved forest practices application/notification, shall have a base penalty of \$10,000. All other WAC or RCW violations not specifically mentioned in this list shall have a base penalty of ~~((five hundred dollars))~~ **\$500.**

Violations of the following shall have a base penalty of ~~((two thousand dollars))~~ **\$2,000:**

Statute or Rule	Description
<del>((WAC 222-20-010 RCW 76.09.050))</del>	<del>((Operation without an approved forest practices application/notification.))</del>
WAC 222-20-010 RCW 76.09.060	Willful misrepresentation of information on the forest practices application/notification.
WAC 222-20-050 RCW 76.09.060	Conversion of land without consent of the county, city or town.
WAC 222-20-040 WAC 222-20-060 RCW 76.09.060	Significant, in the opinion of the department, deviation from an approved forest practices application/notification.

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-035.

Title of Rule: Chapter 308-56A WAC, manufactured home certificates of ownership to include but not limited to WAC 308-56A-500.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensive.

Statutory Authority for Adoption: RCW 65.20.110.

Summary: Amending WAC 308-56A-500 and repealing WAC 308-56A-620.

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

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

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

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on May 25, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by May 24, 2000, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 24, 2000.

Date of Intended Adoption: June 20, 2000.

April 6, 2000

Deborah McCurley, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 00-06-004, filed 2/18/00, effective 3/20/00)

**WAC 308-56A-500 Definitions.** The definitions set forth in RCW 65.20.020 shall apply to WAC 308-56A-505. Terms used in chapters 46.12 and 46.16 RCW and this chap-

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ter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:

(1) "Affixed" means attached.

(2) "Certificate of ownership" (title) is a legal document indicating proof of ownership.

(3) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

(4) "Department" means the same as described in RCW 46.04.162.

(5) "Department temporary permit" is a permit issued in lieu of registration and license plates.

(6) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

(7) "Joint tenancy with rights of survivorship" means owners who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(8) "Legal owner" means the same as described in RCW 46.04.270.

(9) "Person" means the same as described in RCW 46.04.405.

(10) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(11) "Registered owner" means the same as described in RCW 46.04.460.

(12) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

(13) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-56A-620

Odometer disclosure—Definitions.

#### **WSR 00-09-009**

#### **WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING**

[Filed April 7, 2000, 11:38 a.m.]

The Department of Licensing hereby withdraws WSR 00-07-126 filed with your office on March 22, 2000.

Eric Andersen

Deborah McCurley, Administrator  
Title and Registration Services

#### **WSR 00-09-019**

#### **PROPOSED RULES DEPARTMENT OF LICENSING**

[Filed April 11, 2000, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-001.

Title of Rule: Chapter 308-57 WAC, Motor vehicle excise tax, chapter 308-96A WAC, Vehicle licenses, and chapter 308-97 WAC, Vehicle license interstate and intrastate permits.

Purpose: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Other Identifying Information: The rules may be amended or repealed to comply with the implementation of SB 6865.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-96A-099 Use class descriptions, 308-96A-145 Cab and chassis, 308-96A-175 Ride-sharing vehicles, 308-96A-176 Transportation needs ride-sharing vehicles, 308-96A-180 Registration of rental cars, 308-96A-202 Power units towing trailers with permanent registrations, 308-96A-203 Permanent trailer registrations and 308-97-230 Appointment of vehicle trip permit agents; repealing WAC 308-96A-135 Fixed load vehicles, 308-96A-400 Excise tax exemption—Indians, 308-96A-410 Study fee, 308-57-005 Definitions, 308-57-010 Premise for assessing excise tax, 308-57-020 Modified vehicles, 308-57-030 Declaration of value, 308-57-110 Excise tax fee schedules one and five, 308-57-120 Excise tax fee schedules two and six, 308-57-130 Excise tax fee schedule three, 308-57-135 Excise tax fee schedule four, 308-57-140 Excise tax exemptions, 308-57-210 Excise tax in even dollars, 308-57-230 Fleet abatement, 308-57-240 Nonfleet abatement, and 308-57-500 Personal use motor vehicle excise tax credit—Qualifications.

Reasons Supporting Proposal: Passage of SB 6865.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, WA 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements the requirements of RCW

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88.42.022. It clarifies what personal use vehicles qualify and how the credit applies.

The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal does not change existing rules.

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

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on May 29, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 28, 2000.

Date of Intended Adoption: June 20, 2000.

April 11, 2000  
Eric L. Andersen

for Deborah McCurley  
Acting Administrator  
Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

**WAC 308-96A-099 Use class descriptions. (1) Why does the department assign use classes to vehicles?**

The department assigns use classes to:

- (a) Assess the proper license fees (~~and excise tax~~) for vehicles;
- (b) Assign special brands on subsequent owner's certificate of ownership;
- (c) Apply certain restrictions on the use of the vehicles, which prints on the vehicle registrations;
- (d) Assign the proper license plates.

**(2) Under what authority does the department assign use classes to vehicles?**

The department assigns use classes under the authority of RCW 46.16.040.

**(3) What use classes does the department assign and when do they apply?**

The use classes the department assigns are described below:

ABBREVIATION	TRANSLATION	DESCRIPTION
CAB	TAXI CAB	Vehicle is used for carrying passengers between two points for compensation for an on-demand trip rather than a scheduled route. A vehicle with this use class may not carry any luggage or commodities that do not belong to a passenger being carried at the same time. In other words, the vehicle cannot just carry cargo between two points.
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. A converter gear may be titled but may not be licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and towing a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB use class, or FCB depending on what is being hauled.
CMP	CAMPER	Vehicle is a slide-in pickup camper (not a canopy) as defined in RCW 46.04:085. Even if the owner has chosen to permanently attach the camper to the pickup, the units need to be titled and licensed separately.
COM	COMMERCIAL	Vehicle is either (1) a power unit that does <b>not</b> pull a trailer or that pulls a trailer but the gross weight for the truck and trailer does not exceed 40,000 pounds; or (2) a trailing unit that is titled in a business name (including the name of a farm). A commercial trailer may be towed by a vehicle with PAS, TRK, COM, CMB, FAR or FCB use classes. If the trailer is being towed by a vehicle with FAR or FCB use class, the use of the trailer (items carried, etc.,) must meet the farm use class requirements.
CYC	MOTORCYCLE	Vehicle is a motorcycle, motor driven cycle or scooter. A moped does not qualify to be licensed as a motorcycle as defined in RCW 46.04.330 and 46.04.332.

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ABBREVIATION	TRANSLATION	DESCRIPTION
EX	EXEMPT	Vehicle can be any type of vehicle, which is owned by a city, county or state government agency or federally recognized Indian tribe located in the state of Washington. This includes school buses, which are owned or leased by school districts. If the school district contracts a company to provide total bus service, such as the bus, the driver and the maintenance, and the vehicle is registered in the name of the school district as registered owner, the vehicle qualifies for exempt license plates.
FAR	FARM	Vehicle is a truck (or tractor) used to transport the farmer's own farm, orchard or dairy products as defined in RCW 46.16.090, or aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. The vehicle may also be used to transport the farmer's own farm supplies.
FCB	FARM COMBINATION	Vehicle is (1) a power unit (not a trailer) with a declared gross weight of 42,000 pounds or more and towing a trailer; and (2) meets the criteria of FAR use class above.
FED	FEDERAL	Vehicle is owned by the federal government of the United States. Like exempt vehicles, this could be any type of vehicle. This does not include vehicles displaying license plates issued by the federal government.
FEX	FARM EXEMPT	Vehicle is used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181. The vehicle is usually a truck, but it could also be a bus, a motorcycle or off-road cycle.
FIX	FIXED LOAD	Vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law, which requires vehicles with a scale weight of more than six thousand pounds to have a declared gross weight of at least 150 percent of the scale weight. The basic license fee is based on the declared gross weight, or the next two thousand pound increment above the scale weight, or the next two thousand pound increment above the legal maximum gross weight as determined by the Washington state patrol or department of transportation. Fixed load vehicles are the only ones whose gross weight may actually be less than their scale weight, depending on their legal maximum gross weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Vehicle is used to transport people and/or commodities for compensation as defined in RCW 46.72.010. A for hire permit from business and professions division (BPD) is required.
H/C	HORSELESS CARRIAGE	Vehicle is a motorized vehicle over 40 years old with limited used as defined in RCW 46.16.307. The vehicle may not be used for normal transportation to and from work, to go to the store and pick up groceries, and so on.
H/D	HOUSE DOLLY	Vehicle constructed and used exclusively to move buildings or homes.
LOG	LOGGING	Vehicle is a truck or trailer used exclusively for hauling logs.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	Vehicle is a manufactured home as defined in RCW 46.04.302. Mobile homes are titled but generally not registered because of their size. Manufactured homes are taxed by the county, either as personal property or real property.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways or ocean beaches.

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ABBREVIATION	TRANSLATION	DESCRIPTION
PAS	PASSENGER	Vehicle is used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private busses are licensed as passenger vehicles.
PED	MOPED	Vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
PER	PERSONAL	Vehicle is a personal use trailer as defined in RCW 46.16.065. Trailers owned by businesses or used for commercial purposes do not qualify for this use class.
RES	RESTORED	Vehicle is a motorized collector vehicle over 30 years old with limited use as defined in RCW 46.16.307. The vehicle may display either a collector vehicle license plate provided by the department or a license plate, which must have been first issued, for use the year the vehicle was manufactured. The vehicle must be currently registered in order to be assigned this use class and receive a special collector license plate or authority to use a restored license plate.
SCH	SCHOOL	Vehicle is owned and operated by a private school meeting the accreditation requirements of RCW 28A.195.010. The vehicle is used to transport children to and from school or in connection with school activities.
SNO	SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.020(2).
SNX	EXEMPT SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.010(2) and owned by a city, county or state agency.
STA	STAGE	Vehicle is used as an auto stage as defined in RCW 46.04.050.
TLR	TRAILER	Vehicle is a personal use trailer as defined in RCW 46.04.620 but does not meet the size criteria for a PER use class. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Vehicle is a tow truck as defined in RCW 46.16.079 and 46.55.010(8). If the vehicle carries other vehicles, it does not qualify for the TOW use class and must be licensed as COM.
TRK	TRUCK	Vehicle is a personal use, light duty truck, with a declared gross weight of twelve thousand pounds or less. Trucks used for business or commercial purposes do not qualify for the TRK use class.
TVL	TRAVEL TRAILER	Vehicle is a travel trailer as defined in RCW 46.04.623, which includes park models of four hundred square feet or less and camp/tent trailers. It is designed and manufactured for temporary habitation.

**(4) What use classes may the department assign to specific types of vehicles?**

Use classes are assigned as listed below:

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
PASSENGER CARS	CAB, COM, EX, FED, F/H, H/C, PAS, RES, ORV, FEX, STA	COM-Scale weight, Statement of use F/H and STA-Scale weight, Number of seats
LIGHT DUTY TRUCKS (INCLUDING SMALL VANS)	COM, EX, FAR, FED, FEX, H/C, RES, STA, TOW, TRK, FIX, F/H, ORV	F/H and STA-Number of seats All use classes-Scale weight
MEDIUM/HEAVY DUTY TRUCKS (INCLUDING BUSES)	CMB, COM, EX, FAR, FCB, FEX, FIX, LOG, SCH, TOW, TRK, FED, H/C, RES, F/H	F/H and STA-Number of seats All use classes-Scale weight
TRAILERS	C/G, CMB, COM, EX, FEX, LOG, PER, TLR, FED	PER-Number of wheels All use classes-Scale weight
<b>CYCLES</b>		
MOTORCYCLES	CYC, EX, FED, FEX, H/C, ORV, RES	
MOPEDS	EX, FED, FEX, ORV, PED	

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
SNOWMOBILES	SNO, SNX	
UTILITY/MULTIPURPOSE VEHICLES	CAB, COM, EX, FED, F/H, PAS, STA, TRK, FAR, FEX, H/C, ORV, RES, SCH	COM, F/H, STA, TRK, FAR and FEX- Scale weight F/H and STA-Number of seats
RECREATION VEHICLES		
TRAVEL TRAILERS (INCLUDING CAMP AND TENT TRAILERS)	EX, FED, TVL	
CAMPERS	CMP, EX, FED	
MOTOR HOMES	EX, FED, MH	
NOTE: Gross weight and seat requirements per RCW 46.16.040.		

**(5) Do all powered three-wheeled vehicles need to be licensed as motorcycles?**

No. If the vehicle qualifies as a motorcycle as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a motorcycle for street use. However, if the vehicle has a bench seat and a steering wheel, it will be licensed as a passenger vehicle or truck.

**(6) What license plates and use class will be assigned to my for hire vehicle?**

The license plates and use class assigned to your for hire vehicle depends upon how you use your vehicle. All for hire vehicles transport passengers and commodities for compensation. For hire vehicles include cabulances, limousines, taxi cabs, and busses hauling passengers for compensation in addition to transporting school children. There are two use classes and license plate combinations assigned to for hire vehicles:

(a) CAB use class vehicles are assigned passenger license plates. These vehicles are used exclusively for transporting passengers and their possessions; and

(b) F/H use class vehicles are assigned truck license plates. These vehicles not only transport passengers for compensation, but also transport commodities, without passengers, for compensation.

**(7) When may truck license plates be assigned to my passenger vehicle?**

Truck license plates may be assigned to your passenger vehicle whenever the vehicle is used to transport commodities, produce, freight or animals for commercial purposes. The use class would be COM instead of PAS. This would require a title application, a scale weight slip and a certified/notarized statement of use describing how the vehicle will be used commercially.

**(8) When may passenger license plates be assigned to my pick-up truck?**

Passenger license plates may only be assigned to your pick-up truck if it has been modified to qualify as a passenger vehicle. The department requires confirmation from the Washington state patrol that the vehicle has been modified to qualify for passenger use.

**(9) What use classes and license plates will be assigned to school buses?**

(a) EX use class and county exempt license plates will be assigned to a school bus owned or leased by an exempt agency (school district);

(b) SCH use class and passenger license plates will be assigned to a school bus owned or leased by an accredited private school; or

(c) F/H use class and truck license plates will be assigned to school buses used for transporting passengers for compensation and not used exclusively for transporting school children to and from school or school related activities.

**(10) May I license my motorcycle or any other motor vehicle for both road and off road use?**

Yes, you may license your motorcycle or any other motor vehicle for both uses as long as the vehicle qualifies for road use. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

**(11) May I license my amphibious vehicle as a vehicle and a vessel?**

Yes, you may license your amphibious vehicle for both uses as long as it qualifies for both uses. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

**(12) May I license my truck, truck tractor or tractor as a motor home?**

Yes, you may license your truck, truck tractor or tractor as a motor home if:

(a) The vehicle meets the definition of a motor home in RCW 46.04.305; and

(b) You provide a Washington state patrol inspection confirming your vehicle may be licensed as a motor home; and

(c) You certify the vehicle will be used exclusively as a motor home and is not used for commercial use.

**(13) Is my truck, truck tractor or tractor which I use exclusively for towing my travel trailer licensed differently than any other like truck?**

No. Your truck, truck tractor or tractor used exclusively for towing your travel trailer must be licensed in accordance with RCW 46.16.070. Depending on scale weight the use class will be TRK or COM.

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**AMENDATORY SECTION** (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

**WAC 308-96A-145 Cab and chassis. (1) What is a cab and chassis?**

A cab and chassis is an incomplete truck shipped from the manufacturer. The customer chooses the type of bed to be installed.

**(2) Will the department issue a certificate of ownership for my cab and chassis?**

Yes. However, because the cab and chassis is an incomplete vehicle, when the body or special equipment has been installed you must apply for a new certificate of ownership to reflect the correct series and body type, scale weight and the completed vehicle's new value.

**(3) Will the department issue a certificate of registration for my cab and chassis?**

Yes, if you intend to use the vehicle on the public highways. The gross weight will be limited to one hundred fifty percent of the scale weight. Gross weight is rounded up to the nearest two thousand pound increment and may not be increased until the certificate of ownership is corrected to reflect the completed vehicle information.

**(4) What do I need to provide the department when my cab and chassis has been converted to a complete vehicle and I am applying for a new license and certificate of ownership?**

Whether you titled the cab and chassis or waited until the vehicle was completed before titling, you need to provide the department with the following before you use the completed vehicle on the public highways:

- (a) Proof of ownership for the cab and chassis;
- (b) Proof of ownership for the equipment installed to make it a complete vehicle;
- (c) A weight slip from a certified scale;
- (d) Proof of payment of sales or use tax on the equipment installed to make a complete vehicle; and
- (e) Applicable fees (~~and excise tax~~) for any increased value of the completed vehicle.

**AMENDATORY SECTION** (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

**WAC 308-96A-175 Ride-sharing vehicles. (1)** The owner of a passenger motor vehicle primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1) may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates shall make application on a form approved by the department and pay all fees required pursuant to chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner shall then provide:

- (a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list shall be a copy of the certification of

registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(2) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(3) In order to transfer license plates to another vehicle, the owner shall make:

(a) Application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Payment of a five dollar license plate transfer fee and appropriate licensing fees.

(4) When special ride-share license plates are removed from or transferred to another vehicle, the owner shall

~~(a) purchase replacement license plates and~~  
(b) ~~pay vehicle excise tax for the remaining license registration period for the vehicle).~~

(5) When a ride-sharing vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-sharing vehicle, the new owner shall:

(a) Apply for a certificate of ownership under chapter 46.12 RCW;

(b) Apply for commuter ride-sharing exemption; and

(c) Pay all required fees and taxes including the special license plate fee.

(6) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles shall:

(a) Recertify that the vehicle is used as a commuter ride-sharing vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(b) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

**AMENDATORY SECTION** (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

**WAC 308-96A-176 Transportation needs ride-sharing vehicles. (1)** Private, nonprofit transportation providers furnishing ride-sharing for persons with special transportation needs under chapter 81.66 RCW, may be issued special ride-share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider shall make application for special ride-share license plates on a form approved by the department. The application shall include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.

(2) For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motorhome;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motorhome; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motorhome.

(3) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plates fee (~~and vehicle excise tax~~) abated for the remaining license registration period for the vehicle, from which exemption is being removed, shall be collected. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted shall be due and payable to the department of revenue. An application for exemption for the vehicle on which the special license plates are to be transferred must be filed pursuant to subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).

(4) Upon application for registration renewal, the transportation provider must recertify that the vehicle is still being used to provide transportation for persons with special transportation needs to continue to be exempt from (~~chapters 82.08 and 82.44~~) RCW ~~82.08.287~~. The department will provide recertification forms to ride-sharing vehicle registered owners for filing with registration renewal applications.

**AMENDATORY SECTION** (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

**WAC 308-96A-202 Power units towing trailers with permanent registrations.** (1) **What determines if I pay the higher gross weight fees (~~and additional excise tax~~) on my power unit?**

If the declared gross weight of the power unit exceeds forty thousands pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees (~~and excise tax~~).

(2) **How do I change to a CMB or FCB use class during the registration year?**

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) (~~Pay the additional excise tax for the remaining months of the registration year;~~

(b)) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

~~((e))~~ (b) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) **What if I change to a CMB or FCB use class at renewal time?**

If you change use class at renewal time, you will pay the (~~additional excise tax and~~) gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) **What if I change from CMB or FCB to COM or FAR?**

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. (~~If you change use class during the registration year, you would forfeit the higher amount of excise tax paid.~~) Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) **If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?**

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) **If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?**

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

**AMENDATORY SECTION** (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

**WAC 308-96A-203 Permanent trailer registrations.**

(1) **Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?**

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) **How does the power unit need to be licensed to tow a trailer with a permanent registration?**

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) **How does the power unit qualify for the CMB or FCB use class?**

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a (~~higher excise tax rate and~~) higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) **If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?**

PROPOSED

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

**(5) Are there any restrictions on the use of the trailer with permanent plates?**

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

**(6) How long is the permanent registration valid?**

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

**(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?**

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees.

**(8) What type of plates do I display on a trailer with a permanent registration?**

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

**(9) How is the expiration date established for a permanent trailer registration?**

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

**(10) Do I need to get a new plate when I get a permanent trailer registration?**

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

**(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?**

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

- (a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or
- (b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

**(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?**

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-135	Fixed load vehicles.
WAC 308-96A-400	Excise tax exemption—Indians.
WAC 308-96A-410	Study fee.

**AMENDATORY SECTION** (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-180 Registration of rental cars. (1) What is a rental car?**

A rental car is defined in RCW 46.04.465.

**(2) How is a rental car licensed?**

Registrations shall be maintained for the period in which the rental car is operated as part of the rental car business fleet.

**(3) Do rental cars operated in Washington need to be registered in Washington?**

Rental cars must be registered in Washington unless:

- (a) Rented by a customer at a location outside of the state of Washington;
- (b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington; or
- (c) The vehicle is part of a properly registered International Registration Plan (IRP) rental car business fleet.

**(4) Does the current certificate of registration issued by the department need to be carried in the rental car?**

A photocopy of the current certificate of registration may be carried in a rental car in lieu of the original certificate of registration.

**(5) Who may operate a rental car?**

Rental cars may only be used by rental customers, unless the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

**(6) What does a rental car company do when they remove a rental car from their fleet?**

~~((When a rental car company removes a vehicle from their fleet, they shall alter the current month and year tab on the license plates. To alter these tabs, the rental car company will place blank tabs over both the month and year tab on the front and rear plate issued for that vehicle.))~~ Rental car transfers should be treated as any other vehicle transfer.



**AMENDATORY SECTION** (Amending WSR 98-23-026, filed 11/9/98, effective 12/10/98)

**WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?**

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

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

Nongovernment organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

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

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

**(4) What are the components of the agreement?**

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

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

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

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

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

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

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

**(7) How may vehicle trip permits be issued?**

Vehicle trip permits may be issued by:

- (a) Original two-part manual form;

(b) Facsimile of the two-part manual form; or

(c) Authorized electronic form.

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

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

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

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

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-57-005	Definitions.
WAC 308-57-010	Premise for assessing excise tax.
WAC 308-57-020	Modified vehicles.
WAC 308-57-030	Declaration of value.
WAC 308-57-110	Excise tax fee schedules one and five.
WAC 308-57-120	Excise tax fee schedules two and six.
WAC 308-57-130	Excise tax fee schedule three.
WAC 308-57-135	Excise tax fee schedule four.
WAC 308-57-140	Excise tax exemptions.
WAC 308-57-210	Excise tax in even dollars.
WAC 308-57-230	Fleet abatement.
WAC 308-57-240	Nonfleet abatement.
WAC 308-57-500	Personal use motor vehicle excise tax credit—Qualifications.

**WSR 00-09-026**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed April 13, 2000, 10:13 a.m.]

Continuance of WSR 00-08-066.

Title of Rule: Proposed repeal of the Washington Asparagus Commission Marketing Order, chapter 16-557 WAC.

**PROPOSED**

Purpose: Continue the adoption date of the proposal to terminate the Washington Asparagus Commission effective December 31, 2000.

Date of Intended Adoption: April 28, 2000.

April 13, 2000

William E. Brookreson  
Deputy Director

**WSR 00-09-041**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 14, 2000, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-112.

Title of Rule: Repealing WAC 388-86-024 Enhanced benefits for pregnant women and new section WAC 388-533-0300 Enhanced benefits for pregnant women.

Purpose: The department originally intended to rewrite this rule to meet the mandates of the Governor's Executive Order 97-02 on regulatory reform. However, since the department is establishing new WAC chapters to consolidate its rules in one area, it was decided to move this rule to new chapter 388-533 WAC (proposed as a new chapter under WSR 99-06-043, filed February 26, 1999), which will contain the rules regarding maternity-related services. Therefore, WAC 388-86-024 is being repealed and moved into WAC 388-533-0300. The rule reflects long-standing program policy; it has been written to be more readable and has been reviewed in consultation with the Department of Health and the regulated community.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.770, 74.09.800.

Statute Being Implemented: RCW 74.08.090, 74.09.770, 74.09.800.

Summary: The department is moving the rule to a new chapter of WAC that consolidates all maternity-related services, chapter 388-533 WAC. The new rule does not change existing program policy.

Reasons Supporting Proposal: To ensure that department rules reflect current and accurate department policy, to eliminate confusion by consolidating related rules and to comply with the Governor's Executive Order 97-02 on regulatory reform.

Name of Agency Personnel Responsible for Drafting: L. Mike Freeman, RIP, 925 Plum Street, Olympia, WA 98501, (360) 725-1350; Implementation and Enforcement: Diane Tiffany, 805 Plum Street, Olympia, WA 98501, (360) 725-1655.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements portions of the maternity

access program that was enacted by the legislature and codified at RCW 74.09.760 through 74.09.800. The program provides assistance for clients who might otherwise have problems accessing appropriate maternity care. Benefits and client rights are described in this rule.

Proposal Changes the Following Existing Rules: The rule listed above will be repealed in order to move the policy to a new WAC chapter. The proposed new rule clarifies and provides greater detail about long-standing program policy. The proposed rule does not place additional eligibility restrictions or increase the costs to clients, contractors or the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA reviewed these proposed rules and concluded that the impact of these rewritten rules will not place "a more than minor impact on businesses" affected by this rule.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule does not meet the definition of "a significant legislative rule."

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, phone (360) 664-6094, TDD (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 23, 2000.

Date of Intended Adoption: Not sooner than May 24, 2000.

April 10, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

NEW SECTION

**WAC 388-533-0300 Enhanced benefits for pregnant women. The medical assistance administration (MAA) provides enhanced services to eligible women during and after their pregnancy.**

(1) Refer to WAC 388-462-0015 for client eligibility requirements.

(2) MAA requires **providers** to have specific MAA approval to provide maternity support services (MSS) to eligible clients. MSS services must be provided by professionals from all of the following fields:

- (a) Community health nursing;
- (b) Nutrition; and
- (c) Social work.

(3) MAA allows paraprofessional community health workers to provide MSS services to eligible clients when both of the following are met:

(a) The services are provided under the supervision of one of the qualified professionals described in subsection (2) of this section; and

(b) The services provided are limited to basic health education.

(4) A client may choose to receive MSS services from any MAA-approved MSS provider.

(5) MAA covers the following enhanced benefits for eligible women during and after their pregnancy:

(a) One childbirth education course per pregnancy (see subsection (8) in this section);

(b) Chemical dependency assessment and treatment when appropriate. A client may choose to be referred for either inpatient or outpatient drug and alcohol treatment services; and

(c) MSS services, which include all of the following:

(i) Assessment, counseling, education, and interventions by those qualified professionals described in subsections (2) and (3) of this section;

(ii) Child care for the client's children (see subsection (6) of this section).

(6) MAA requires the MSS provider to document all of the following for child care:

(a) That the MSS provider arranged and authorized the child care arrangements;

(b) That the child care arrangement is safe and appropriate; and

(c) That child care is necessary in order to assist the eligible client in obtaining necessary services. The MSS provider may authorize child care for any of the following reasons:

(i) Health care appointments for the client;

(ii) The maternity services medical provider ordered bed rest for the client; or

(iii) Other circumstances that the MSS provider considers necessary and are specifically approved by MAA.

(7) MAA covers up to ten MSS visits. If it is determined that a client is at high-risk for a poor birth outcome, MAA may cover up to twenty MSS visits. The MSS provider must maintain documentation of the high-risk circumstances in the client's file.

(8) MAA allows a provider to bill only once per client per pregnancy for childbirth education. The provider must document that the client attended at least one childbirth education session in order for MAA to cover the service.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-86-024      Enhanced benefits for pregnant women.

**WSR 00-09-042**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 14, 2000, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-048.

Title of Rule: Repealing WAC 388-87-015 Billing limitations and new section WAC 388-502-0150 Time limits for providers to bill MAA.

Purpose: The department originally intended to rewrite WAC 388-87-015 solely to comply with the Governor's Executive Order 97-02 on regulatory reform. However, since the department is in the process of consolidating its rule in one area, it was decided to incorporate the policies in WAC 388-87-015 into chapter 388-502 WAC and repeal WAC 388-87-015. The new rule reflects long-standing program policy; it has been written to be more readable and has been reviewed in consultation with the regulated community.

Statutory Authority for Adoption: RCW 74.08.090, 42 C.F.R. 447.45.

Statute Being Implemented: 42 C.F.R. 447.45.

Summary: The department is consolidating its rules into one area of WAC. WAC 388-87-015 is being repealed and the policy is being moved to WAC 388-502-0150. The new rule does not make any changes in the programs's operational policy.

Reasons Supporting Proposal: To ensure that department rules reflect current and accurate department policy, to eliminate confusion by consolidating related rules and to comply with the Governor's Executive Order 97-02 on regulatory reform.

Name of Agency Personnel Responsible for Drafting: L. Mike Freeman, RIP, 925 Plum Street, Olympia, WA 98501, (360) 725-1350; Implementation and Enforcement: Ann Lawrence, PRU, 817 S.E. 8th Avenue, Olympia, WA 98501, (360) 725-1020.

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

Rule is necessary because of federal law, 42 C.F.R. 447.45.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements federal requirements for timely receipt of claims for payment under the programs of MAA. The time limits for billing MAA are more generous than those of most other payors of health care claims.

Proposal Changes the Following Existing Rules: The proposal repeals WAC 388-87-015, and moves the policy to WAC 388-502-0150. The proposed new rules clarify and provide greater detail about long-standing program policy. The proposed rules do not place additional restrictions on the regulated community or increase the costs to clients, contractors or the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA reviewed these proposed rules and concluded that the impact of these rewritten rules will not place "a more than minor impact on businesses."

RCW 34.05.328 does not apply to this rule adoption. The proposed rules do not meet the definition of "a significant legislative rule."

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

**PROPOSED**

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, phone (360) 664-6094, TDD (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 May 23, 2000.

Date of Intended Adoption: Not sooner than May 24, 2000.

April 10, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

**WAC 388-502-0150 Time limits for providers to bill MAA.** (1) **Providers** may bill the **medical assistance administration (MAA)** for covered services provided to eligible clients.

(1) MAA requires providers to submit an initial claim, be assigned an internal control number (ICN), and make all adjustments to claims in a timely manner. MAA has three timeliness standards:

(a) For initial claims, see subsections (3), (4), (5), and (6) of this section;

(b) For resubmitted claims other than prescription drug claims, see subsections (7) and (8) of this section; and

(c) For resubmitted prescription drug claims, see subsections (9) and (10) of this section.

(2) The provider must submit claims to MAA as described in MAA's billing instructions.

(3) MAA requires providers to obtain an ICN for an initial claim within three hundred sixty-five days from any of the following:

(a) The date the provider furnishes the service to the eligible client;

(b) The date a final fair hearing decision is entered that impacts the particular claim;

(c) The date a court orders MAA to cover the service; or

(d) The date the department certifies a client eligible under delayed certification criteria.

(4) MAA may grant exceptions to the three hundred sixty-five-day time limit for initial claims when billing delays are caused by either of the following:

(a) The department's certification of a client for a retroactive period; or

(b) The provider proves to MAA's satisfaction that there are other extenuating circumstances.

(5) MAA requires providers to bill known third parties for services. See WAC 388-501-0200 for exceptions. Providers must meet the timely billing standards of the liable third parties in addition to MAA's billing limits.

(6) When a client is covered by both Medicare and MAA, the provider must bill Medicare for the service before billing Medicaid. If Medicare:

(a) Pays the claim the provider must bill MAA within six months of the date Medicare processes the claim; or

(b) Denies payment of the claim, MAA requires the provider to meet the three hundred sixty-five-day requirement

for timely initial claims as described in subsection (3) of this section.

(7) MAA allows providers to resubmit, modify, or adjust any claim, other than a prescription drug claim, with a timely ICN within thirty-six months of the date the service was provided to the client. This applies to any claim, other than a prescription drug claim, that met the time limits for an initial claim, whether paid or denied. MAA does not accept any claim for resubmission, modification, or adjustment after the thirty-six-month period ends.

(8) The thirty-six-month period described in subsection (7) of this section does not apply to overpayments that a provider must refund to the department. After thirty-six months, MAA does not allow a provider to refund overpayments by claim adjustment; a provider must refund overpayments by a negotiable financial instrument, such as a bank check.

(9) MAA allows providers to resubmit, modify, or adjust any prescription drug claim with a timely ICN within fifteen months of the date the service was provided to the client. After fifteen months, MAA does not accept any prescription drug claim for resubmission, modification or adjustment.

(10) The fifteen-month period described in subsection (9) of this section does not apply to overpayments that a prescription drug provider must refund to the department. After fifteen months a provider must refund overpayments by a negotiable financial instrument, such as a bank check.

(11) MAA does not allow a provider or any provider's agent to bill a client or a client's estate when the provider fails to meet the requirements of this section, resulting in the claim not being paid by MAA.

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

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-015 Billing limitations.

## **WSR 00-09-043**

### **PROPOSED RULES**

### **DEPARTMENT OF**

### **SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 14, 2000, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-048 and 00-06-022.

Title of Rule: Repealing WAC 388-502-0205 Civil rights. Also general requirements for people who are contracted with the department to provide, and be reimbursed for, services or equipment to medical assistance clients, as stated in sections of chapter 388-87 WAC.

Purpose: To eliminate duplicative rules; the language in WAC 388-502-0205 Civil rights, repeats federal antidiscrim-

ination rules, and so is unnecessary. The policy that providers will still be required to follow department rules that ensure all participating providers will not discriminate against any client is being incorporated into WAC 388-502-0020.

To update and rewrite rules for people who provide services and/or equipment to medical assistance clients. To comply with the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500, 74.09.530.

Statute Being Implemented: RCW 74.08.090, 74.09.500.

Summary: The civil rights language in WAC 388-502-0205 is already incorporated into federal antidiscrimination rules, which makes it unnecessary to be repeated in rule. The policy that providers will still be required to follow department rules that ensure all participating providers will not discriminate against any client is being incorporated into WAC 388-502-0020.

Several sections currently in chapter 388-87 WAC are being repealed and proposed as new rules in chapter 388-502 WAC.

Reasons Supporting Proposal: To comply with the Governor's Executive Order 97-02 (to update rule content to reflect current policy and practice, and to eliminate duplicative rules).

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 45533, Olympia, WA 98504, (360) 725-1347; Implementation and Enforcement: Ann Lawrence, P.O. Box 45533, Olympia, WA 98504, (360) 725-1347.

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: The proposed rules will not change the way MAA currently does business. These rules clarify some requirements which were previously spelled out only in the provider's contract and/or billing instructions. They also eliminate repetition of federal antidiscrimination rules in state rules.

Proposal Changes the Following Existing Rules: The following rules are being repealed: WAC 388-87-005 Payment—Eligible providers defined, 388-87-007 Medical provider agreement, 388-87-008 Disclosure by providers—Information on ownership and control, 388-87-010 Conditions of payment—General, 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department, 388-87-012 Conditions of payment—Consultant's and specialist's services and fees, 388-87-200 Payment for jail inmates medical care, and 388-502-0205 Civil rights.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not change existing policy or add financial burdens to businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules do not make "significant amendments to a policy or regulatory program" since no policy changes have been made. Therefore, the department concludes that the

proposed rules do not meet the definition of significant legislative rules.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, phone (360) 664-6094, TDD (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 May 23, 2000.

Date of Intended Adoption: May 24, 2000.

April 10, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

**WAC 388-502-0010 Payment—Eligible providers defined.** The department reimburses enrolled providers for covered medical services, equipment and supplies they provide to eligible clients.

(1) To be eligible for enrollment, a provider must:

(a) Be licensed, certified, accredited, or registered according to Washington state laws and rules; and

(b) Meet the conditions in this chapter and chapters regulating the specific type of provider, program, and/or service.

(2) To enroll, an eligible provider must sign a core provider agreement or a contract with the department and receive a unique provider number.

(3) Eligible providers listed in this subsection may request enrollment. Out-of-state providers listed in this subsection are subject to conditions in WAC 388-502-0120.

(a) Professionals:

(i) Advanced registered nurse practitioners;

(ii) Anesthesiologists;

(iii) Audiologists;

(iv) Chiropractors;

(v) Dentists;

(vi) Dental hygienists;

(vii) Denturists;

(viii) Dietitians or nutritionists;

(xiv) Maternity case managers;

(x) Midwives;

(xi) Occupational therapists;

(xii) Ophthalmologists;

(xiii) Opticians;

(xiv) Optometrists;

(xv) Orthodontists;

(xvi) Osteopaths;

(xvii) Podiatrists;

(xviii) Physicians;

(xix) Physical therapists;

(xx) Psychiatrists;

(xxi) Psychologists;

(xxii) Registered nurse delegators;

(xxiii) Registered nurse first assistants;

(xxiv) Respiratory therapists;

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- (xxv) Speech/language pathologists;  
 (xxvi) Radiologists; and  
 (xvii) Radiology technicians (technical only);  
 (b) Agencies, centers and facilities:  
 (i) Adult day health centers;  
 (ii) Ambulatory surgery centers (medicare-certified);  
 (iii) Birthing centers (licensed by the department of health);  
 (iv) Blood banks;  
 (v) Chemical dependency treatment facilities certified by the division of alcohol and substance abuse, and contracted through either:  
 (A) A county under chapter 388-810 WAC; or  
 (B) The division of alcohol and substance abuse to provide chemical dependency treatment services;  
 (vi) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by the division of alcohol and substance abuse);  
 (vii) Community AIDS services alternative agencies;  
 (viii) Community mental health centers;  
 (ix) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;  
 (x) Family planning clinics;  
 (xi) Federally qualified health care centers (designated by HCFA);  
 (xii) Genetic counseling agencies;  
 (xiii) Health departments;  
 (xiv) HIV/AIDS case management;  
 (xv) Home health agencies;  
 (xvi) Hospice agencies;  
 (xvii) Hospitals;  
 (xviii) Indian Health Service;  
 (xix) Tribal or urban Indian clinics;  
 (xx) Inpatient psychiatric facilities;  
 (xxi) Intermediate care facilities for the mentally retarded (ICF-MR);  
 (xxii) Kidney centers;  
 (xxiii) Laboratories (CLIA certified);  
 (xxiv) Maternity support services agencies;  
 (xxv) Neuromuscular centers;  
 (xxvi) Nursing facilities (approved by DSHS Aging and Adult Services);  
 (xxvii) Pharmacies;  
 (xxviii) Private duty nursing agencies;  
 (xxix) Rural health clinics (medicare-certified);  
 (xxx) Tribal mental health services (contracted through the mental health division); and  
 (xxxi) Washington state school districts and educational service districts.  
 (c) Suppliers of:  
 (i) Durable medical equipment;  
 (ii) Infusion therapy equipment and supplies;  
 (iii) Prosthetics/orthotics;  
 (iv) Hearing aids; and  
 (v) Oxygen equipment and supplies;  
 (d) Contractors of:  
 (i) Transportation brokers;  
 (ii) Interpreter services agencies; and  
 (iii) Eyeglass and contact lens providers.

(4) The department does not pay for services performed by any licensed or unlicensed practitioners who are not specifically addressed in this chapter, including:

- (a) Acupuncturists;
- (b) Counselors;
- (c) Sanipractors;
- (d) Naturopaths;
- (e) Homeopaths;
- (f) Herbalists;
- (g) Massage therapists; or
- (h) Christian Science practitioners or theological healers.

#### NEW SECTION

**WAC 388-502-0020 General requirements for providers.** Enrolled providers must:

- (1) Keep legible, accurate, and complete charts and records to justify the services provided to each client, including, but not limited to:
  - (i) Patient's name and date of birth;
  - (ii) Dates of services;
  - (iii) Name and title of person performing the service, if other than the billing practitioner;
  - (iv) Chief complaint or reason for each visit;
  - (v) Pertinent medical history;
  - (vi) Pertinent findings on examination;
  - (vii) Medications, equipment, and/or supplies prescribed or provided;
  - (viii) Description of treatment (when applicable);
  - (ix) Recommendations for additional treatments, procedures, or consultations;
  - (x) X-rays, tests, and results;
  - (xi) Plan of treatment and/or care, and outcome; and
  - (xii) Specific claims and payments received for services.
- (b) Assure charts are authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment or other service to which the entry pertains;
- (c) Make charts and records available to DSHS, its contractors, and the US Department of Health and Human Services upon request, for at least six years from the date of service;
- (d) Bill the department according to MAA rules and billing instructions;
- (e) Accept the payment specified in MAA fee schedules as payment in full;
- (f) Follow the requirements in WAC 388-502-0160 and 388-538-095 about billing clients;
- (g) Fully disclose ownership and control information requested by the department;
- (h) Not pay a third party biller a percentage of amounts collected, or discount client accounts to a third party biller;
- (i) Provide all services without discriminating on the grounds of race, creed, color, age, sex, religion, national origin, marital status, or the presence of any sensory, mental or physical handicap;
- (j) Provide all services according to federal and state laws and rules, and billing instructions issued by the department; and

(k) Follow the published rules that govern MAA's programs.

(2) A provider may contact MAA with questions regarding its programs. However, MAA's response is based solely on the information provided to MAA's representative at the time of inquiry, and in no way exempts a provider from following the laws and rules that govern MAA's programs.

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

#### NEW SECTION

**WAC 388-502-0030 Denying and suspending a provider's enrollment.** (1) MAA restricts, or does not enroll or reinstate a provider if, in MAA's judgement, it may be a danger to the health or safety of clients.

(2) Except as noted in subsection (3) of this section, MAA restricts, or does not enroll or reinstate a provider to whom any of the following apply:

- (a) Has a restricted professional license;
- (b) Has been terminated, excluded, or suspended from Medicare/Medicaid; or
- (c) Has been terminated by the department for quality of care issues or inappropriate billing practices.

(3) MAA may choose not to deny or suspend the enrollment of a provider who meets the conditions in subsection (2) of this section if all of the following apply:

- (a) The department determines the provider is not likely to repeat the violation that led to the restriction or sanction;
- (b) The provider has not been convicted of other offenses related to the delivery of professional or other medical services in addition to those considered in the previous sanction; and

(c) If the United States Department of Health and Human Services (DHHS) or Medicare suspended the provider from Medicare, DHHS or Medicare notifies the department that the provider may be reinstated.

(4) The department gives thirty days written notice before suspending a provider's enrollment. However, the department suspends enrollment immediately if any one of the following situations apply:

- (a) The provider is convicted of a criminal offense related to participation in the Medicare/Medicaid program;
- (b) The provider's license is suspended or revoked by the Washington state department of health;
- (c) Federal funding is revoked;
- (d) By investigation, the department documents a violation of law or contract;
- (e) The MAA medical director or designee determines the quality of care provided endangers the health and safety of one or more clients; or
- (f) The department determines the provider has intentionally used inappropriate billing practices.

(5) The department may terminate a provider's number if:

- (a) The provider does not submit a claim to the department for twenty-four consecutive months;
- (b) The provider's address on file with the department is incorrect;

(c) The provider requests a new provider number (e.g., change in tax identification number or ownership); or

(d) The provider voluntarily withdraws from participation in the medical assistance program.

#### NEW SECTION

##### **WAC 388-502-0100 General conditions of payment.**

(1) The department reimburses for medical services furnished to a client when all of the following apply:

- (a) The service is within the scope of care of the client's medical assistance program;
- (b) The service is medically or dentally necessary;
- (c) The service is properly authorized;
- (d) The provider bills within the timeframe set in WAC 388-502-0150;
- (e) The provider bills according to MAA's rules and billing instructions; and
- (f) The provider follows third-party payment procedures.

(2) The department is the payer of last resort, unless the other payer is:

- (a) An Indian health service;
- (b) A crime victims program through the department of labor and industries; or
- (c) A school district for health services provided under the Individuals with Disabilities Education Act.

(3) The provider must accept Medicare assignment for claims involving clients eligible for both Medicare and Medicaid before Medicaid makes any payment.

(4) The provider is responsible for verifying whether a client has medical assistance coverage for the dates of service.

(5) The department does not pay on a fee-for-service basis for a service for a client who is enrolled in a managed care plan when the service is included in the plan's contract with the department.

(6) Information about medical care for jail inmates is found in RCW 70.48.130.

(7) The department pays for medically necessary services on the basis of usual and customary charges or the maximum allowable fee established by the department, whichever is lower.

#### NEW SECTION

**WAC 388-502-0110 Conditions of payment—Medicare deductible and coinsurance.** (1) The department pays the deductible and coinsurance amounts for a client participating in Parts A and/or B of Medicare (Title XVIII of the Social Security Act) when the:

(a) Total reimbursement to the provider from Medicare and the department does not exceed the rate in the department's fee schedule; and

(b) Provider accepts assignment for Medicare payment.

(2) The department pays the deductible and coinsurance amounts for a client who has Part A of Medicare. If the client:

- (a) Has not exhausted lifetime reserve days, the department considers the Medicare diagnostic related group (DRG) as payment in full; or

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(b) Has exhausted lifetime reserve days during an inpatient hospital stay, the department considers the Medicare DRG as payment in full until the Medicaid outlier threshold is reached. After the Medicaid outlier threshold is reached, the department pays an amount based on the policy described in the Title XIX state plan.

(3) The provider must accept Medicare's payment plus the department's payment for the coinsurance and deductible for medicare as payment in full.

(4) The department bases its outlier policy on the methodology described in the department's Title XIX state plan, methods, and standards used for establishing payment rates for hospital inpatient services.

(5) The department may pay for Medicaid covered services when the client exhausts Medicare benefits.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-87-005 Payment—Eligible providers defined.
- WAC 388-87-007 Medical provider agreement.
- WAC 388-87-008 Disclosure by providers—Information on ownership and control.
- WAC 388-87-010 Conditions of payment—General.
- WAC 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department.
- WAC 388-87-012 Conditions of payment—Consultant's and specialist's services and fees.
- WAC 388-87-200 Payment for jail inmates medical care.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- WAC 388-502-0205 Civil rights.

**WSR 00-09-068**  
**PROPOSED RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**  
 [Filed April 18, 2000, 8:50 a.m.]

Continuance of WSR 00-04-093 and 00-07-062.

Title of Rule: Amend Regulation III, Sections 4.01, 4.03, 4.04, and 4.05; and rescind Regulation III, Section 4.06.

Purpose: Continue hearing from April 13, 2000, to May 11, 2000.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on May 11, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by May 4, 2000, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by May 1, 2000.

Date of Intended Adoption: May 11, 2000.

April 13, 2000

James Nolan

Director - Compliance

**WSR 00-09-069**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed April 18, 2000, 10:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-007.

Title of Rule: Chapter 308-63 WAC, Wreckers.

Purpose: To review the current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.80.140.

Summary: Review of current rules governing vehicle wreckers.

Reasons Supporting Proposal: Governor's Executive Order 97-02 for WAC review.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3704.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To review current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Proposal Changes the Following Existing Rules: Several sections have been changed in light of the review for necessity, effectiveness, clarity, intent, coordination with other agencies, cost benefits and fairness.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not impose additional duties on the industry.

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

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Hearing Location: Department of Licensing, Conference Room 406, 4th Floor, 1125 S.E. Washington Street, Olympia, WA 98504, on May 24, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gail Saul by May 15, 2000, TDD (360) 664-8885, or (360) 902-3709.

Submit Written Comments to: Gail Saul, Dealer Services, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703, by May 22, 2000.

Date of Intended Adoption: June 10, 2000.

April 12, 2000  
G. F. McDougall  
for Fred Stephens  
Director

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-020 Definitions. May I acquire a vehicle or a vehicle part on a bill of sale?** (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC ((308-58-030)) 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-030 Established place of business. ((Wrecker.)) What is a vehicle wrecker place of business?** A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where ((his/her)) the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished ((and which)). It must conform with local zoning regulations.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-040 Wreckers—Application for license. How must I apply for a vehicle wrecker license?** An original or renewal application for a wrecker license shall

be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police ((if)) of any city ((is)) with a population over five thousand ((population)); otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that ((his/her)) the applicant's vehicle(s) are properly identified in accordance with WAC 308-63-070(6).

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated by the applicant for towing or transportation of vehicles or hulks in the conduct of ((his/her)) the business ((by the applicant, or wrecker seeking renewal and)). Each endorsement shall identify ((such)) the vehicle(s) by make, model, year or other adequate description, and identification number.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire?** (1) A motor vehicle wrecker's license shall expire twelve consecutive months from the date of issuance ((for purposes of staggered licensing)).

(2) Motor vehicle wrecker license plates shall expire on the same date as the expiration of the license.

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-060 Wreckers—Special plates. How do I use the special vehicle wrecker license plates?** All vehicles used for towing or transporting vehicles or hulks by a ((motor)) vehicle wrecker on the highways of this state in the conduct of ((his/her)) the business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on ((his/her)) the application as owned, rented, leased and operated by ((him/her and used by him/her)) the applicant for towing or transporting of vehicles or hulks in the conduct of ((his/her)) the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks ((in his/her business during the course of the year, he/she)), the applicant shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates ((assigned to it, provided that)) of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-070 Wreckers—General procedures and requirements.** ~~((A#))~~ Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be ~~((wrecked or))~~ dismantled.

(1) Enclosure. The activities of a ~~((motor))~~ vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard ~~((except that,))~~. Where necessary to obscure public view of the premises, ~~((such premises))~~ it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same ~~((law enforcement jurisdiction, such as a city or))~~ county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

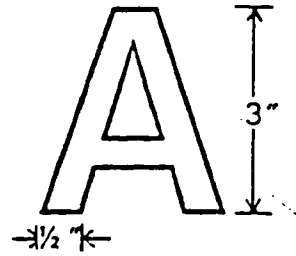
(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

~~((5))~~ ~~((Fow ear fee. The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.~~

~~((6))~~ Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of ~~((such))~~ the licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a

half-inch stroke for the width and shall be at least three inches high. See example.



~~((7))~~ (6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours ~~((; except that,))~~. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

~~((8))~~ (7) Major component parts. ~~((Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only.))~~ The term "seat" shall be interpreted to mean bucket seat.

~~((9))~~ (8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer however, there will be no storage of vehicle parts.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-080 Wreckers—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts?** Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC ((308-58-020)) 308-56A-460(2).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55.230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-090 Wreckers—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report?** (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or part(~~s were~~) was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit(~~s~~) of sale or a bill(~~s~~) of sale for a vehicle or vehicle part(~~s~~); and

(iv) The name of the state and license number in the state that a vehicle was last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker will submit a report on the form (~~provided~~) prescribed by the department documenting that those vehicles were entered into the wrecking yard inventory during the month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC ((308-63-070(9))) 308-63-060(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are acquired during the month, the monthly report must be sent in stating "none."

The report shall give such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (~~and~~) (iv), and (b) of this section; it shall be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates: Provided, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years, from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the wrecking records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-100 Wreckers—Must furnish bill of sale for parts. What document must I use to sell a vehicle part?** No wrecker may sell a motor vehicle part unless he/she gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, (~~he/she shall~~) except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No wrecker may sell vehicles or hulks to a scrap processor or to a hulk hauler for transportation to a scrap processor (~~unless he/she gives~~) without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle or hulk by yard number(~~;~~). The wrecker shall retain a copy of such invoices for inspection purposes.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-110 Wreckers—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license?** (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-120 Statement of change in business structure, ownership interest or control. When must I report a change?** Any person, firm, association, corporation or trust licensed under chapter 46.80 RCW must, within ten

days following any change in its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my wrecker license?**

A ~~((motor))~~ vehicle wrecker who terminates ~~((his/her))~~ business shall, within ten days of such termination return ~~((his/her))~~ the wrecker license and special license plates to the department for cancellation ~~((within ten business days of such termination, except as provided in RCW 46.70.081)).~~

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-140 Sale, transfer or other disposition of noncorporate licensee. What must I do if there is a change of ownership in my noncorporate license?** Upon the sale, transfer or other disposition of ~~((fifty percent or more of the))~~ an ownership interest in a noncorporate licensee:

(1) A new bond or rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must ~~((turn into))~~ surrender to the department ~~((his/her))~~ the special license plates. The new owners or transferees must purchase new plates in ~~((his/her))~~ their own name.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-63-160 Incorporation of licensee while licensed. If my business is not a corporation, what do I do if I incorporate?** A licensee which incorporates while licensed:

(1) Shall file an application for an appropriate license.

(2) Shall file a new bond with the department.

(3) ~~((If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:~~

~~((a) No additional fees will be required until renewal, at which time an original application for license and fee will be required.~~

~~((b) The same special license plates may be used until renewal.))~~ The firm may request the preincorporation license number upon ~~((renewal))~~ application.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-63-150

Partial sales transfer or disposition of noncorporate licensee.

**WSR 00-09-070**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed April 18, 2000, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-032.

Title of Rule: Chapter 308-80 WAC, Transporters.

Purpose: To review the current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Statutory Authority for Adoption:

Summary: Review of current rules governing vehicle transporters.

Reasons Supporting Proposal: Governor's Executive Order 97-02 for WAC review.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3704.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To review current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Proposal Changes the Following Existing Rules: Two sections have been changed in light of the review for necessity, effectiveness, clarity, intent, coordination with other agencies, cost benefits and fairness.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not impose additional duties on the industry.

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

Hearing Location: Department of Licensing, Conference Room 406, 4th Floor, 1125 S.E. Washington Street, Olympia, WA 98504, on May 24, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gail Saul by May 15, 2000, TDD (360) 664-8885, or (360) 902-3709.

Submit Written Comments to: Gail Saul, Dealer Services, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703, by May 22, 2000.

Date of Intended Adoption: June 10, 2000.

April 12, 2000  
G. F. McDougall  
for Fred Stephens  
Director

AMENDATORY SECTION (Amending Order DLR-091, filed 3/26/86)

**WAC 308-80-015 Expiration of motor vehicle transporter license. When does my transporter license expire?**

(1) A motor vehicle transporter license shall expire twelve consecutive months from the date of issuance (~~for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance~~)).

(2) Motor vehicle transporter license plates shall expire on the same date as the license expires.

AMENDATORY SECTION (Amending Order MV 447, filed 9/16/77)

**WAC 308-80-020 Improper use of transporter license plates. What are some improper uses of the transportation license plates?**

Issuance of transporter license plates under chapter 46.76 RCW does not authorize driving or towing of vehicles on the public highways for the following purposes or in the following manner:

(1) On any vehicle in which a licensee has an ownership or equitable interest, provided a towing unit owned by a licensee to deliver vehicles owned by others shall display a transporter plate in addition to a regular plate for the purpose of identification.

(2) For personal transportation.

(3) By any one other than the licensee or a bona fide employee who is carried on the licensee's payroll records.

(4) Failure to display plates as required under WAC 308-80-010.

This rule shall not be construed to prevent a determination that other uses of such plates are improper.

**WSR 00-09-071  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed April 18, 2000, 10:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-031.

Title of Rule: Chapter 308-65 WAC, Hulk haulers/scrap processors.

Purpose: To review the current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.79.080.

Summary: Review of current rules governing hulk haulers and scrap processors.

Reasons Supporting Proposal: Governor's Executive Order 97-02 for WAC review.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3708; Implementation and Enforcement: Robert Smith, Highways-Licenses Building, Olympia, Washington 98507, (360) 902-3704.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To review current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness in accordance with Governor Gary Locke's Executive Order 97-02.

Proposal Changes the Following Existing Rules: Several sections have been changed in light of the review for necessity, effectiveness, clarity, intent, coordination with other agencies, cost benefits and fairness.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not impose additional duties on the industry.

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

Hearing Location: Department of Licensing, Conference Room 406, 4th Floor, 1125 S.E. Washington Street, Olympia, WA 98504, on May 24, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Gail Saul by May 15, 2000, TDD (360) 664-8885, or (360) 902-3709.

Submit Written Comments to: Gail Saul, Dealer Services, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703, by May 22, 2000.

Date of Intended Adoption: June 10, 2000.

April 12, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-020 Definitions.** (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

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(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC ((308-58-030)) 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-030 Established place of business.**

**What must I do for a place of business?** (1) Hulk hauler. A hulk hauler's established place of business is an address at which ((he/she)) the hulk hauler receives mail and can normally be reached.

(2) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders or other equipment for recycling vehicle salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

**AMENDATORY SECTION** (Amending WSR 94-12-052, filed 5/27/94, effective 6/27/94)

**WAC 308-65-040 Hulk hauler—Application for license. How must I apply for the hulk hauler license?** The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require, and in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler denied, suspended, or revoked and on what dates and what grounds.

(2) A certification from a member of the Washington state patrol that his/her vehicle(s) are properly identified in accordance with WAC 308-65-070(5).

The license may be renewed prior to the expiration date by filing a renewal application, securing a signature of the appropriate member of the Washington state patrol on his/her application, and paying a renewal fee of ten dollars.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-050 Expiration of hulk hauler license. When will my license expire?** (1) A hulk hauler's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

(2) Motor vehicle hulk hauler license plates shall expire on the same date as the expiration of the license.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-060 Hulk hauler—Special plates. How must I display the hulk hauler license plates?** All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set which charges include the reflectorization fee required by RCW 46.16.237.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-080 Hulk hauler—Procedures for acquiring and selling vehicles. On what ownership documents may I buy and sell vehicles/hulks?** (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor upon obtaining ownership documents in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing only a registration certificate or other approved ownership documents as follows:

(a) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

(b) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.

(c) Affidavit of sale from a registered tow truck operator.

(d) A court order.

(e) Acquisition from wreckers licensed by the department may be supported by obtaining the wrecker's invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor or vehicle wrecker purchasing the vehicles listed therein.

(f) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions that have had their titles surrendered to a state after having been declared a total loss and for vehicles of the type to which titles are not issued.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he/she shall have in his/her possession ownership documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his/her possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that ((he/she)) the hulk hauler may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the

upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-090 Scrap processor—Application for license. How must I apply for a scrap processor license?** The application for a scrap processor's license shall contain, in addition to any other information the department may require, evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental [Policy] Act, chapter 43.21C RCW.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-100 Expiration of scrap processor license. When does my license expire?** (1) A scrap processor's license shall expire twelve consecutive months from the date of issuance (~~for purposes of staggered licensing~~).

(2) Any special license plates issued to a scrap processor shall expire on the same date as the expiration of the license.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-110 Scrap processor—Special plates. What special license plates are available?** Vehicles owned or operated on the highways of this state by a scrap processor and used by (~~him/her~~) the scrap processor in gathering vehicle hulks or salvage shall bear regular license plates and, in addition, hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16.237; they expire simultaneously with the scrap processor's license.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-130 Scrap processor—Procedures for acquiring vehicles for demolition. On what ownership documents may I acquire vehicles?** Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish ownership documents, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing a registration certificate only or other approved ownership documents as follows:

(1) Affidavit of lost or stolen title and release of interest from the owner.

(2) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.

(3) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions, for vehicles that have had their titles surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(4) Affidavit of sale from a registered tow truck operator.

(5) A court order.

(6) Invoice or bill of sale from wrecker.

(7) Scrap processors may acquire vehicle salvage from out-of-state provided that the out-of-state salvage company submits an affidavit certifying (~~his/her~~) its rightful and true possession of the vehicles or parts contained in the bulk shipment and that he/she has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

(8) Vehicle parts may be acquired by use of an invoice or bill of sale which describes the part and identifies the seller by name and address.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-140 Scrap processor—Procedures for monthly reports. How must I file monthly reports to the department?** (1) Must maintain books and files.

(a) The scrap processor shall maintain the following books and files of all vehicles, acquired other than from a wrecker or out-of-state salvage company, which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) For vehicles acquired from out-of-state salvage companies, an invoice listing the vehicles and the affidavit of compliance with the out-of-state jurisdiction.

(d) For vehicle parts, an invoice or bill of sale describing the part and identifying the seller by name and address. That record will be available for inspection.

(e) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form prescribed by the department, listing each vehicle, whether or not such vehicles have been demolished. This report shall be

made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) of this section, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he/she retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he/she acquires vehicles for salvage from other than wreckers licensed by the department.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-150 Statement of change in business structure, ownership interest or control. When must I report a change in business structure or ownership?** Any person, firm, association, corporation or trust licensed under chapter 46.79 RCW must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-170 Sale, transfer or other disposition of noncorporate licensee. What if there is a partial change in ownership of the company?** Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

(1) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(2) The former owner must ~~((turn into))~~ **surrender to the department ((his/her)) all special license plates.** The new owner or transferee must purchase new plates in ~~((his/her))~~ **its own name.**

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-190 Incorporation of licensee while licensed. What if I incorporate while licensed?** A licensee which incorporates while licensed~~((:~~

~~((1))) shall file an application for an appropriate license.~~

~~((2)) If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:~~

~~((a)) No additional fees will be required until renewal, at which time an original application for license and fee will be required.~~

~~((b)) The same special license plates may be used until renewal.)) The firm may request the preincorporation license number ~~((upon renewal)).~~~~

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-65-180

Partial sales transfer or disposition of noncorporate licensee.

**WSR 00-09-072**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed April 18, 2000, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-067.

Title of Rule: WAC 392-117-045 Corrections to data reported to the Superintendent of Public Instruction.

Purpose: To clarify procedures for school districts to report revisions to data affecting state funding during an audit by the State Auditor's Office.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.300.040.

Summary: Proposed rule clarifies that the school districts shall provide to the State Auditor's Office (SAO) a copy of any revisions to enrollment, personnel or other data affecting state apportionment that are submitted to the Office of the Superintendent of Public Instruction (OSPI) while an audit is being performed.

Reasons Supporting Proposal: This change will facilitate the communication for these adjustments between the school district, SAO and OSPI's apportionment office and audit resolution office.

Name of Agency Personnel Responsible for Drafting: Ben Gravely, Office of the Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of the Superintendent of Public Instruction, (360) 753-6708; and Enforcement: Mike Bigelow, Office of the Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of the Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule summarizes a school district's ability to revise data submitted to OSPI.

The proposed revisions clarify the district's ability to revise its data during the audit process and simply requires the district to inform the auditor of such corrections by submitting a copy to the State Auditor's Office. Clarity is added as to when an audit is in process by defining the commencement of an audit as the "entrance conference" and the completion of an audit as the "exit conference."

This change will facilitate the communication for these adjustments between the school district, SAO and OSPI's apportionment office and audit resolution office.

PROPOSED



Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact.

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.028 per subsection (5)(a)(i). Additionally this rule is not a significant legislative rule.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on May 23, 2000, at 9:00.

Assistance for Persons with Disabilities: Sheila Emery by May 9, 2000, TDD (360) 664-3631, or (360) 753-6758.

Submit Written Comments to: Legal Services, OSPI, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by May 22, 2000.

Date of Intended Adoption: May 24, 2000.

April 18, 2000

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 91-09, filed 6/14/91, effective 7/15/91)

**WAC 392-117-045 Corrections to data reported to the superintendent of public instruction. School districts and educational service districts shall submit corrections to district enrollment, personnel, and other data affecting state apportionment as provided in this section.**

(1) If at any time prior to the completion of ~~((an))~~ audit of data by the state auditor a school district or educational service district discovers that data have been reported to the superintendent of public instruction in error, the ~~((school))~~ district shall submit revised data. The "completion of audit" means the date of the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(2) During audit of data, districts submitting revised data shall provide a copy of revisions to the state auditor. "During audit" means between the entrance conference and the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(3) After ~~((completion of an))~~ audit of data by the state auditor, the ~~((school))~~ district shall report ~~((only))~~ revisions ~~((pursuant to a finding and recommendation by the state auditor subject to the provisions of))~~ only as part of the audit resolution process pursuant to chapter 392-115 WAC. "After audit" means after the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(4) Unless the superintendent of public instruction provides instructions to the contrary, revised data shall be submitted in the same manner as the original report. The revised report shall contain an original signature of the educational service district superintendent or the school district superintendent or the authorized official.

WSR 00-09-075

PROPOSED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 18, 2000, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-20-048.

Title of Rule: WAC 388-502-0160 Billing the client.

Purpose: To describe the circumstances under which MAA allows a contracted provider to bill a medical assistance client directly.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

Summary: The proposed rule explains when a provider (a person who has an agreement with the department to provide services, equipment, and/or supplies to medical assistance clients) may and may not bill a client. This rule includes some policy changes.

Reasons Supporting Proposal: To update policy in WAC and to comply with the clear writing standards in the Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 45533, Olympia, WA 98504, (360) 725-1347; Implementation and Enforcement: Alan Himsl, P.O. Box 45533, Olympia, WA 98504, (360) 725-1347.

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: The proposed rule will replace portions of chapter 388-87 WAC that pertain to client billing, and includes provisions not currently in rule. It specifies that a provider may not bill a client for copying and transferring the client's records to another health care provider. It includes requirements for a provider to follow in order to bill a client who represents himself/herself as a private pay patient.

Proposal does not change existing rules. This rule replaces information found in several sections in chapter 388-87 WAC. Those sections are being repealed in a separate action.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the cost imposed on businesses will be minor.

RCW 34.05.328 applies to this rule adoption. The proposed rule meets the definition of a significant legislative rule, and the department has prepared a cost/benefit analysis as required by RCW 34.05.328. A copy may be obtained by contacting the person listed above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, phone (360) 664-6094, TDD (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 May 23, 2000.

Date of Intended Adoption: May 24, 2000.

April 12, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## NEW SECTION

**WAC 388-502-0160 Billing a client.** (1) A provider may not bill or accept payment directly from a client or the client's representative for a service included in the scope of benefits of the client's medical program. If the medical assistance administration (MAA) does not pay for a service because the provider failed to bill according to MAA's conditions of payment, the client is not responsible to pay.

(2) The provider is responsible to verify whether the client has medical coverage for the date of service and to check the limitations of the client's medical program.

(3) A provider may bill a client only if one of the following situations apply:

(a) The client is enrolled in a managed care plan and the client and provider comply with the requirements in WAC 388-538-095;

(b) The client is enrolled in a program other than managed care, and the client and provider sign an agreement. It must be translated or interpreted into the client's primary language and signed before the service is rendered. The provider must give the client a copy and maintain the original in the client's file for department review upon request. The agreement must include each of the following elements to be valid:

(i) The specific service to be provided;

(ii) The service is not included in the scope of benefits of the client's medical program;

(iii) The client chooses to receive and pay for the specific service; and

(iv) The client is not obligated to pay for the service if it is later found to have been included in the scope of benefits of the client's medical program at the time the service was provided.

(c) The client or the client's representative was reimbursed for the service directly by a third party;

(d) The provider has documentation that the client represented himself/herself as a private pay patient and not an MAA client. The documentation must be signed by the client or the client's representative. The provider must maintain the original documentation in the patient's file for department review upon request. If the patient later becomes eligible for the service(s) due to delayed or retroactive eligibility, the provider must comply with subsection (4) of this section;

(e) The client refuses to complete and sign insurance forms, billing documents, or other forms necessary for the

provider to bill insurance for the service. Medical assistance is not insurance;

(f) The bill counts toward a spenddown liability, emergency medical expense requirement, deductible, or copayment required by MAA, such as required by chapter 388-542 WAC for the children's health insurance program.

(4) If a client becomes eligible for a service that has already been provided due to:

(a) Delayed eligibility, the provider may bill MAA for the service and must:

(i) Not bill or accept payment from the client or the client's representative for the service; and

(ii) Refund the total payment received directly from the client for the service.

(b) Retroactive eligibility, the provider:

(i) Must not bill or accept payment from the client or the client's representative for any unpaid charges for the service; and

(ii) May refund any payment received directly from the client or the client's representative, and then bill MAA for the service.

(5) Hospitals may not bill or accept payment directly from a medically indigent, GA-U, or ADATSA client, or anyone on the client's behalf, for inpatient or outpatient hospital services during a period of eligibility.

(6) A provider may not bill a client or MAA for copying or otherwise transferring health care information, as that term is defined in chapter 70.02 RCW, to another health care provider. This includes, but is not limited to:

(a) Medical charts;

(b) Radiological or imaging films; and

(c) Laboratory or other diagnostic test results.

## WSR 00-09-079

### PROPOSED RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Filed April 18, 2000, 1:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-039.

Title of Rule: Chapter 480-15 WAC, Household goods carriers, rules establish requirements for residential household goods moving companies.

Purpose: In January 1999, new rules governing household goods carriers became effective in chapter 480-15 WAC. During the past year it has come to the attention of the commission that certain rules in this chapter may be unclear or incomplete, or have resulted in unintended consequences. This rule making proposes to change, add, or delete language to ensure that rules adopted in Docket No. TV-971477 are effective in serving their intended purpose.

Other Identifying Information: Commission Docket No. TV-991559.

Statutory Authority for Adoption: RCW 80.01.040 General, 81.04.160 Transportation, 81.04.250 Rates, 81.28.040 Tariffs schedules, 81.80.090 Applications, 81.80.120 Classi-

fication of carriers, 81.80.130 Regulatory power, 81.80.170 Temporary permits, 81.80.290 Rules and regulations, and 81.80.211 Hours of operators.

Summary: See Explanation of Rules below.

Reasons Supporting Proposal: The proposed rule revisions appropriately improve the effectiveness of the rules, and ensure that they are serving their intended purpose. The proposed revisions are a result of a stakeholder workshop held in December 1999, written comments filed, and discussions with stakeholders and staff.

Name of Agency Personnel Responsible for Drafting: Bonnie Allen, Transportation Program Coordinator, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1226; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 480-15-010 Purpose and application, the existing rule states the reason for the chapter and who must comply. The proposed revision will clarify that the carriers who must comply with the chapter are not relieved from compliance with other state laws.

WAC 480-15-020 Definitions, the existing rule defines the term household goods, as it is used in the chapter. The proposed revision will limit the exclusion of customer packed and sealed self-storage containers when the transportation is between a self-storage facility and a customer, in conjunction with a self-storage agreement. The existing rule defines the term motor vehicle, as it is used in the chapter. The proposed revision will clarify that a motor vehicle is not a self-storage container.

WAC 480-15-030 Waiver of rules, the existing rule describes the process for requesting a waiver of rule requirements. The proposal is to repeal WAC 480-15-030 and adopt a new rule in WAC 480-15-035 Exemptions from rules, that will clearly describe the filing and review process for requests for rule exemptions.

WAC 480-15-260 Are there exceptions to the application process? The existing rule lists circumstances under which exceptions to the permanent authority application process apply. The proposed revision will clarify existing exceptions and include additional circumstances under which exceptions may be allowed.

WAC 480-15-490 Tariff and rates, general, the existing rule describes the tariff and rate requirements and establishes a rate band based on a percentage above and a percentage below a fixed rate. The proposed revision will establish a new maximum rate, annual review and adjustment of the maximum rate according to an index for the next five years, and a new fixed minimum rate based on a percentage of the maximum rate.

WAC 480-15-560 Equipment and safety requirements, the existing rule establishes vehicle and equipment safety requirements and specifies sections of federal rules that apply. The proposed revision defines consistently with the federal definition the term "commercial vehicle," and will

result in consistent application of safety regulations to interstate and intrastate vehicles. The proposed revision will also eliminate the requirement to comply with hazardous materials regulations that do not apply to household goods carriers.

WAC 480-15-570 Driver safety requirements, the existing rule establishes driver safety requirements and specifies sections of the federal rules that apply. The proposed revision defines consistently with the federal definition the term "commercial vehicle," and will result in consistent application of safety regulations to interstate and intrastate drivers.

WAC 480-15-620 What information must I provide to each shipper? The existing rule establishes a customer notice requirement and contains the text of the brochure. The proposed revision will replace the brochure text from the rule with a description of the brochure's contents. This will allow flexibility in updating the brochure to reflect changing tariff items, to address customer issues, and to meet the needs of the companies. The proposed revision will eliminate confusion whether the text of the brochure establishes certain requirements, and make it clear that the requirements are actually established in other rules, tariffs, or formal actions.

WAC 480-15-650 Form of estimates, the existing rule establishes requirements regarding estimates for service provided by the companies. The proposed revision will reduce the record-keeping requirements for companies that provide estimates, and include additional clarifying language and additional disclosure regarding rates charged on supplemental estimates.

WAC 480-15-660 Supplemental estimates, the existing rule establishes requirements for supplemental estimates. The proposed revision will clarify when a company must provide a supplemental estimate to a customer and what rate may be used on the supplemental estimate.

WAC 480-15-740 What information must I include on a bill of lading? The existing rule describes the information that must be included on a company bill of lading. The proposed revision allows the company an alternative to recording the details for each person on a job on the bill of lading.

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 making will not result in increased costs to companies required to comply, and in some cases reduces costs.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.005.328 [34.05.328] applies.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on May 24, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by May 22, 2000, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by May 10, 2000.

PROPOSED

Date of Intended Adoption: May 24, 2000.

April 18, 2000  
Paul Curl  
for Carole J. Washburn  
Secretary

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-010 Purpose and application.** (1) The legislature has declared that operating as a motor carrier of freight, including household goods, for compensation over the highways of this state is a business affected with a public interest and should be regulated. The purpose of these rules is to carry out the policies set forth in RCW 81.80.020 as they apply to household goods carriers, by establishing standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service, consumer protection, and compliance with statutes, rules and commission orders.

(2) This chapter applies to all intrastate household goods carriers.

(3) Nothing in this chapter relieves any household goods carrier from its duties and obligations under the laws of the state of Washington including, but not limited to, public utility, labor, employment, and other taxes, and business and vehicle licensing requirements.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-020 Definitions.** For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

((1)) "**Accessorial services**" means any services provided by a household goods carrier that supplement, or are secondary to, the transportation of household goods, including, but not limited to, packing and unpacking, wrapping or protecting a portion of the shipment, and providing special handling of household goods.

((2)) "**Agent**" means a permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

((3)) "**Application docket**" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

((4)) "**Authority**" means the rights granted to a common carrier to transport household goods.

((5)) "**Cancellation**" means an act by the commission to terminate a household goods carrier's authority.

((6)) "**Commission**" means the Washington utilities and transportation commission.

((7)) "**Common carrier**" means any person who undertakes to transport property, including household goods, for the general public by motor vehicle, for compensation over the public highways. This term also includes transportation under special and individual contracts or agreements.

((8)) "**Constructive weight**" means a weight based on a formula of seven pounds per cubic foot of properly loaded van space occupied by the shipper's goods.

((9)) "**Consumer**" means a person or entity that hires a household goods carrier.

((10)) "**Customer**" means a person or entity that hires a household goods carrier.

((11)) "**Exempt carrier**" means any person operating a motor vehicle exempt from certain provisions of Title 81 RCW pursuant to RCW 81.80.040.

((12)) "**Filing**" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

((13)) "**Household goods carrier**" means a common carrier transporting household goods within the state of Washington.

((14)) "**Household goods**" when the term is used in connection with transportation, means personal effects and property used or to be used in a residence when it is a part of the equipment or supply of such residence, and is transported between residences or between a residence and a storage facility, with the intent to later transport to a residence. This term excludes transportation of customer packed and sealed self-storage ((type)) containers that are delivered to and from a self-storage facility, when that transportation is provided in conjunction with a self-storage agreement executed in good faith, and when no accessorial services are provided by a motor carrier in connection with the storage or the transportation of the container.

((15)) "**I**" means a household goods carrier or shipper, depending upon the context of the rule.

((16)) "**Loaded weight**" means the weight of a motor vehicle obtained when:

((a)) • The shipper's goods are loaded into the vehicle;

((b)) • The vehicle's fuel tank is full;

((c)) • All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle;

((d)) • The vehicle's crew is not on board the vehicle.

((17)) "**Local move**" means all moves taking place within the limits of a city or town or moves specifically defined as local in the commission tariff.

((18)) "**Long distance move**" means any move not meeting the definition of a local move.

((19)) "**May**" means an option. You may do something but it is not a requirement.

((20)) "**Motor carrier**" means "common carrier," "exempt carrier," and "private carrier," as defined in this chapter.

((21)) "**Motor vehicle**" means any vehicle, machine, tractor, trailer, or semi-trailer, propelled or drawn by mechanical power, or any combination of such vehicles, used upon the highways in the transportation of property, including household goods. A motor vehicle is not a self-storage container.

((22)) "**Must**" means a legal obligation. You are required to do something.

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((23)) **"Net weight"** means the weight of the goods shipped by the consumer. It is determined by subtracting the tare weight of a motor vehicle from the loaded weight.

((24)) **"Permit"** means a document issued by the commission describing the authority granted to a household goods carrier under the provisions of chapter 81.80 RCW, as amended. A permit may be temporary or permanent in duration, and may allow a household goods carrier to transport household goods throughout the state of Washington or limit the household goods carrier to transportation of household goods in designated areas of the state.

((25)) **"Person"** includes any individual, firm, corporation, company, or partnership.

((26)) **"Private carrier"** means persons who transport their own household goods, household goods being bought or sold by them in good faith, or transport household goods purely as an incidental adjunct to some established business owned or operated in good faith.

((27)) **"Registered carriers"** means motor carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

((28)) **"Registered exempt carriers"** means motor carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

((29)) **"Shipper"** means a person or entity that hires a household goods carrier.

((30)) **"Small business"** means 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.

((31)) **"State"** means the state of Washington.

((32)) **"Suspension"** means an act by the commission to temporarily withhold a household goods carrier's authority.

((33)) **"Tare weight"** means the weight of an empty motor vehicle obtained when:

((a)) • The vehicle's fuel tank is full;

((b)) • All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle; and

((c)) • The crew is not on board the vehicle.

((34)) **"Tariff"** means a publication containing the rates and charges that must be assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

((35)) **"Transportation of household goods"** means the for hire movement of household goods by motor vehicle over the public highways of the state. This includes providing estimates, arranging for receipt, delivery, storage in transit, handling, and providing any accessorial services in connection with that movement.

((36)) **"Us"** means the Washington utilities and transportation commission.

((37)) **"We"** means the Washington utilities and transportation commission.

((38)) **"You"** means a household goods carrier, shipper, insurance company, or other person or entity, depending on the context of the rule.

### NEW SECTION

**WAC 480-15-035 Exemptions from rules.** (1) The commission may grant an exemption of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a company must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the company requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will issue an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-260 Are there exceptions to the application process?** (1) We will grant an application for permanent authority without temporary permit operations, public notice, or comment if((:

(+) the applicant is fit, willing, and able to provide service((:), and

((2)) the application is filed to transfer or acquire control of permanent authority for the following reasons:

(a) A partnership has dissolved due to the death, bankruptcy, or withdrawal of a partner, and that partner's interest is being transferred to a spouse, or one or more remaining partners ((~~or a spouse~~));

(b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders;

(c) A sole proprietor has died and the interest is being transferred as property of the estate;

(d) An individual has incorporated, and the same individual remains the majority shareholder;

(e) An individual has added a partner, but the same individual remains the majority partner;

(f) A corporation has dissolved and the interest is being transferred to the majority shareholder;

(g) A partnership has dissolved and the interest is being transferred to the majority partner;

(h) A partnership has incorporated, and the partners are the majority shareholders; or

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(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

(2) We will grant an application for permanent authority without temporary permit operations, after the application has been published on the application docket subject to comment for thirty days, if the applicant is fit, willing, and able to provide service and the application is filed to transfer or acquire control of permanent authority for the following reason:

Ownership or control of a permit is being transferred to any shareholder, partner, family member, employee, or other person familiar with the company's operations and the household goods moving services provided; and

(a) The permit has been actively used by the current owner to provide household goods moving services during the twelve month period prior to the application; and

(b) The application includes a certified statement from the applicant and the current owner explaining why the transfer of ownership or control is necessary to ensure the company's economic viability; and

(c) The application includes a certified statement from the applicant and the current owner describing the steps taken by the parties to ensure that safe operations and continuity of service to customers is maintained.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-490 Tariff and rates, general. (1) What is a tariff? A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) How are tariff rates and charges established?

(a) Pursuant to RCW 81.80.130 and 81.80.150, the commission publishes tariffs to be used by all household goods carriers, or allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services. The commission determines the rates and charges contained in the tariffs by commission order following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, reasonable, and sufficient rates and charges. We will do this by setting minimum and maximum rates.

(b) Upon the effective date of these rules, and continuing until such time as the commission, after notice and hearing, determines a different rate level, household goods carriers ((may charge no more than fifteen percent above the current tariff rates and charges and no less than thirty-five percent below the current tariff rates and charges contained in the commission's household goods tariff on the effective date of these rules)) must assess rates and charges within a band.

(i) The maximum rates and charges must be no more than twenty percent above the rates and charges in effect on February 1, 2000.

(ii) The maximum rates and charges established in (b)(i) of this subsection will be adjusted each June 1, through 2005,

by an index calculated using the first quarter Implicit Price Deflator (IPD) of the Gross Domestic Product as follows:

Index for Current Year = IPD for Previous Year First Quarter / IPD for Current Year First Quarter

Example: Using the following data:

Table with 2 columns: Description and Value. IPD for Previous Year First Quarter: 102.35; IPD for Current Year First Quarter: 103.83

Index for Current Year is calculated as follows:

Table with 2 columns: Description and Value. IPD for Current Year First Quarter: 103.83; Divided by IPD for Previous Year First Quarter: 102.35; Equals Index for Current Year: = 1.0145

Maximum Rate or Charge is calculated as follows:

Table with 2 columns: Description and Value. Maximum Rate for Previous Year: \$ 100.00; Multiplied by Index for Current Year: x 1.0145; Equals the Maximum Rate for Current Year: =\$ 101.45

Round the maximum rate to the next \$.01, with \$.005 and greater rounded up and less than \$.005 rounded down. Mileage rates are rounded to the next \$.0001.

(iii) The minimum rate or charge is fixed at no less than forty percent below the maximum rate or charge established in (b)(i) of this subsection.

(3) Who must have tariffs? Each person holding household goods permit authority must purchase and display at least one copy of the current tariff, and pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

(4) Where must I display my tariffs? You must display a current copy of the tariff in your main office and in each billing office.

(5) Who must charge rates contained in the tariff? All household goods carriers must charge the rates and charges, and comply with the rules contained, in the tariff unless we have approved, in writing, deviations from the tariff.

(6) Is the tariff the only publication I need to use to determine rates? We may adopt other publications that will be used to assess rates. If we do, we will notify tariff subscribers of the change.

(7) Where may the public view tariffs? Tariffs are public documents and you must make them available for the public by posting copies at your main office and any billing office. Tariffs are also available for review at our headquarters office.

(8) How much does a tariff cost? The cost of tariffs may change periodically depending on our costs for compiling, printing, distributing, and maintaining them. To find out

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the current cost, you may contact the commission as described in WAC 480-15-060.

(9) **Are copies of current or expired tariff pages available?** We will supply you with current or expired single tariff pages upon request. Copies of entire expired tariffs, or entire tariffs applicable on a specific date in the past, generally are not available.

**AMENDATORY SECTION** (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-560 Equipment safety requirements.**

(1) **What is the commission's equipment safety policy?** All motor vehicles operated under the provisions of this chapter must be at all times:

- (a) Maintained in a safe and sanitary condition;
- (b) Free of defects likely to result in an accident or breakdown; and
- (c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) **How does the commission enforce this policy?** Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria*. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) **How must I identify my motor vehicles?** You must display your permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

- (a) All markings on the power unit must be:
  - (i) Clearly legible;
  - (ii) No less than three inches high;
  - (iii) In a color that contrasts with the background color; and
  - (iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) **What vehicle safety laws and rules must I follow?**

- (a) You must comply with:
  - (i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;
  - (ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

- (B) 49 CFR Part 392: Driving of Motor Vehicles;
- (C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation; and
- (D) 49 CFR Part 396: Inspection, Repair, and Maintenance(~~;~~ and
- (E) ~~49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking Rules~~)).

(b) If you fail to comply with these laws and rules, we may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) **Am I required to equip my motor vehicles with anti-spray devices (mud flaps)?**

- (a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.
- (b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

**AMENDATORY SECTION** (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-570 Driver safety requirements.** (1) **What is the commission's policy for driver safety requirements?** No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

(2) **How does the commission enforce those requirements?** Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the *North American Uniform Out-Of-Service Criteria*. No driver who has been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) **With which driver qualification laws and regulations must I comply?**

- (a) You must comply with:
  - (i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

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(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) **Are there any exceptions?** Yes, the following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11(b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

(ii) 49 CFR Part 391.23: Investigation and Inquiries;

(iii) 49 CFR Part 391.25: Annual Review of Driving Record;

(iv) 49 CFR Part 391.27: Record of Violations;

(v) 49 CFR Part 391.31: Road Test; and

(vi) 49 CFR Part 391.33: Equivalent of Road Test.

**AMENDATORY SECTION** (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-620 What information must I provide to each shipper?** (1) You must give each shipper a copy of

the commission brochure, "Your Rights and Responsibilities as a Moving Company Customer":

(a) At the time you issue a written nonbinding estimate;

(b) At the time you issue a written binding estimate;

(c) If you issue neither a written estimate or a written nonbinding estimate, prior to loading the shipment; or

(d) Upon request, by the shipper.

(2) The brochure is available from the commission and contains ~~((the text shown below))~~ consumer information about selecting a moving company, estimates, rates and tariff charges, payment terms, change orders, supplemental estimates, preparing articles for shipment, valuation protection for loss and damage of goods, expedited service, small shipments, temporary storage, bill of lading contracts, loss and damage claims, informal complaints, and formal complaints. The commission may ~~((choose to: Add information, present information in a different format than shown below, or))~~ also present information in different formats for various media (printed materials, on-line materials, fact sheets, brochures, etc.).

**~~((YOUR RIGHTS AND RESPONSIBILITIES AS A MOVING COMPANY CUSTOMER~~**

**Important information:** As a shipper of household goods in the state of Washington, the Washington utilities and transportation commission requires that your mover provide you with the following important information. Please take the time necessary to read it thoroughly.

~~**Make sure you know the full name, address and phone number of the mover.** Some movers perform the transportation themselves. Others act as agents for other movers who do the actual hauling. In other instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, business address, and telephone number of the mover who is to transport your shipment, and keep that mover informed as to how and where you may be reached at all times until the shipment is delivered.~~

~~**1. Estimates.** Your mover will provide you with a written estimate if you request one. Commission rules require that all estimates must be written — oral or telephone estimates are not permitted.~~

~~**A. The accuracy of the estimate you receive depends upon cooperation between you, as the shipper, and the mover.** The mover cannot provide an accurate estimate unless you provide the mover with sufficient information upon which to base the estimate. This includes, but is not limited to:~~

- ~~• Accurately describing all articles to be included in the shipment: This requires you to carefully consider what articles, if any, you will pack or transport yourself. Be realistic in this assessment. Many shippers believe they will be able to pack most of their own goods, only to find that when moving day arrives they have been unable to attend to all of the items they were going to pack, sell, give away, or ship themselves.~~



- Accurately describing any problems the household goods mover may encounter at the pickup point: Are there large pieces of furniture that were moved into your current residence with a hoist, or that had to be disassembled before they could be moved into the residence?
- Accurately describing special services you wish to be performed during your move: For example: Picking up part of the load from another residence or storage facility, or disconnecting appliances.
- Accurately describing conditions at the delivery point: Will delivery involve the use of stairs, elevators, or hoisting goods using special equipment? Are there narrow roads, streets or alleys that will require the mover to transfer the shipment to smaller trucks to accomplish delivery? Are there ordinances or covenants that limit parking to unload or that restrict the hours of the day during which delivery may be done? Is there a narrow driveway that will hamper unloading?

**B. Supplemental estimates.** The mover must provide to you an additional (supplemental) estimate if there are additional items and services to be performed which were not covered by the original estimate. For example: Services and items you may have intended to take care of yourself but were unable to accomplish. Before the mover performs the additional services, those services must be listed on a supplemental estimate and you must, by signature, accept the supplemental estimate.

**C. Types of estimates.**

**1. Binding estimates of total cost.** Binding estimates are provided at the option of the mover. Some movers may not offer binding estimates. When you receive a binding estimate, you cannot be required to pay any more than the amount shown in the binding estimate. However: If you request the mover to provide more or different services than those included on the estimate, the mover must provide you with a supplemental estimate. You will then be expected to pay the total of the original binding estimate, plus the amount shown on the supplemental estimate, at the time of delivery.

If you agree to a binding estimate, you are responsible for paying the total charges due. If you are unable to pay at the time the shipment is delivered, the mover may place your shipment in storage, at your expense, until the charges are paid.

**2. Nonbinding estimates of approximate costs.** A nonbinding estimate is not a bid or a contract. It is provided by the mover to give you a general idea of the cost of the move, but does not bind the mover to the estimated cost. It does not guarantee that the final cost of your move will be the same amount as the estimate.

You must pay the transportation and other charges computed in accordance with the tariff published by the Washington

utilities and transportation commission. However, in no instance will you be required to pay more than:

(a) On hourly-rated shipments:

(i) One hundred twenty five percent of the amount of the estimate (and any supplemental estimates) for your move; and

(ii) One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for accessorial services provided during your move.

(b) On distance-rated shipments: One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for your move.

If the charges at the destination exceed the amount of the original estimate plus any supplemental estimate, the mover must, at your request, deliver the shipment to you upon payment of one hundred ten percent of the estimate. The mover will defer payment of the balance of the amount due for thirty days.

**3. Paying for your move.** Most carriers insist that you pay in cash, by money order, or by certified check. However, you may arrange in advance for the carrier to extend you credit. If the carrier will accept payment by credit card or personal check, be sure this arrangement is noted on the agreement. If a carrier accepts credit arrangements at the beginning of your move, the carrier must accept the same credit arrangements for the final bill.

**4. Tariffs.** The tariff is published by the commission. It contains rates, charges, and rules governing the transportation of household goods. The tariff is available for public inspection at the mover's office. The tariff includes special provisions governing shipments to be picked up or delivered at more than one place, overtime charges, packing and marking, furnishing of boxes, and carrying goods up and down steps.

**5. Preparing articles for shipment.** Some articles, such as large appliances and stereo sets, may require special servicing to prepare them for being moved, such as disconnection. If the mover provides these services there may be an extra charge. If you wish to avoid extra per-hour charges, you should consider taking down drapes, blinds, mirrors, and any other articles attached to the walls.

Movers are not responsible for articles of extraordinary value. You should never pack the following items with your other belongings:

- jewelry
- money
- valuable papers
- valuable collections
- coins
- inflammables
- dangerous articles

**6. Valuation protection for loss and damage.** All movers are required to assume liability for the value of the goods which they transport. However, there are different levels of valuation protection, and consumers should be aware of the amount of protection provided and the charges for each option.

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The dollar amount of responsibility your mover assumes for loss or damage to your household articles is up to you. You choose the dollar amount. What the mover is or is not responsible for is printed on the mover's standard bill of lading. Ask your mover for a sample bill of lading and read it before you move.

Most movers offer four different levels of liability. Generally, your choices are:

**Option 1: Basic value protection.**

This is the most economical protection option available. This option provides minimal protection at no additional cost, but may be inadequate in case of a major or total loss (as in the case of the moving truck being involved in an accident). Under this option, the mover assumes liability for only sixty cents per pound per article. Loss or damage claims are settled based on the pound weight of the article multiplied by sixty cents. For example: If a ten-pound stereo, valued at one thousand dollars were lost or destroyed, the mover would be liable for six dollars. You should think carefully before selecting this level of protection. There is no charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it.

**Option 2: Depreciated value protection.**

Under this option, the valuation of your shipment is based on the total weight of the shipment times two dollars per pound. For example, a four thousand-pound shipment would have a maximum liability of eight thousand dollars. Any loss or damage claim under this option is settled based on the depreciated value of the lost or damaged item(s) up to the maximum liability value based on the weight of the entire shipment. Under this option, if you shipped a ten-pound stereo that originally cost one thousand dollars, the mover would be liable for up to one thousand dollars, based on the depreciated value of the item. There is a charge for this type of protection.

**Option 3: Replacement cost coverage, with a deductible, and**

**Option 4: Replacement cost coverage, with no deductible.**

Coverage under these plans is also referred to as "full value protection" or "full replacement value." If you choose to purchase full value protection, articles that are lost, damaged or destroyed will either be repaired, replaced with like items, or a cash settlement will be made for the current market replacement value regardless of the age of the lost or damaged item. Unlike the other options, depreciation of the lost or damaged item is not a factor in determining replacement value. The prices for these types of coverage are set in the tariff and are based on a charge per one hundred dollars of declared value. Declared value is the amount which you, the shipper, state in writing on the bill of lading. It must be equal to or exceed the figure determined by multiplying the weight of your shipment times three dollars and fifty cents. For example: If your shipment weighs five thousand pounds, the minimum declared value upon which you will be required to pay valua-

tion charges must be at least seventeen thousand five hundred dollars.

Normally, replacement cost protection will not apply to antiques, fine art, paintings, statuary or other similar articles which, by their inherent nature, cannot be replaced with new articles. Shippers should arrange for third party insurance on these items.

Replacement cost protection does not normally cover memorabilia, souvenirs and collector's items, or other articles when the age of the item or its history contribute substantially to the value of the article. The valuation for these articles reverts to the depreciated or fair market value basis.

**7. Weights.** For distance-rated moves, the transportation charge you will be assessed depends on the weight of the goods you ship. To determine the net weight of your shipment, the mover weighs the empty vehicle then reweighs it after loading your goods into the truck. If you request it, the mover will:

- Notify you of the weight and charges as soon as the net weight of your shipment is established.
- Reweigh the shipment before delivery, if it is practical to do so. You are responsible for the cost of reweighing the shipment. The charges that apply in the tariff.

**8. Expedited service.** Movers must offer reasonable dispatch, but do not have to make delivery at any definite time. However, at your request, a shipment will be delivered on or before the date specified. You may have to pay an extra charge for delivery by a specified date.

**9. Small shipments.** The minimum weight for shipments in distance moves is five hundred pounds. If your shipment weighs less than five hundred pounds, you should consider using other means of transportation (a freight carrier, small package carrier, etc.) even if you have to pay for crating and packing. Movers frequently find it difficult to deliver small shipments in a reasonable time.

**10. Temporary storage.** You may ask the mover to place your goods in temporary storage for a period not to exceed one hundred eighty days. You will be charged an additional amount for this service. If you do not remove the shipment from temporary storage within one hundred eighty days, then the shipment will revert to permanent storage and the mover ceases to have responsibility as a mover. The mover's responsibility becomes that of a warehouseman and the commission has no further jurisdiction over the shipment.

**11. Bill of lading contract.** The bill of lading is a receipt for goods, and is also a contract between you and the mover. You should obtain a copy of this document before your shipment leaves the point of origin. It is your responsibility to read the bill of lading and understand it. If you do not understand something on the bill of lading, ask the mover to explain it to your satisfaction. You should sign the bill of lading before transportation begins, and sign it again as a receipt upon delivery of the goods at your destination.

The bill of lading is an important document. Do not lose or misplace your copy. Have it available until your shipment is delivered, all charges are paid, and all claims are settled.

**12. Payment of charges—freight bill.** Movers do not ordinarily deliver or relinquish possession of property until all tariff rates and charges have been paid in cash, by certified check, or by traveler's check. Some movers may accept bank cards or personal checks. You should clarify with the individual mover what forms of payment are acceptable, and be prepared to make payment for the move when the shipment is delivered.

**13. Bills of lading on long distance moves.** Because long distance moves are charged on the basis of weight and distance, your receipt for the charges should show:

- The gross (loaded) and tare (empty) weights of the vehicle;
- The net weight of your shipment (loaded weight minus empty weight);
- The mileage;
- The rate per one hundred pounds for the transportation;
- The cost for valuation protection; and
- Rates or charges for any accessorial services.

**14. Bills of lading on local moves.** Because local moves are charged on an hourly basis, the receipt should show:

- The time the vehicle left the mover's place of business, and the time of return to that place of business;
- The rate per hour;
- The cost for valuation protection; and
- Rates or charges for any accessorial services.

**15. Loss and damage.** In the event of loss or damage to your shipment, ask the driver to acknowledge the facts on the bill of lading. If the driver refuses, you should have a disinterested party inspect the damage in the driver's presence, and report it in writing to the mover.

**16. Loss or damage claims.** All claims for loss or damage must be filed with the mover in writing. Ask the mover for a claim form.

Claims must be filed within nine months from date of delivery. It is preferable to do so as soon as possible—while memories are fresh. While the commission can sometimes act informally to facilitate negotiation between parties, we cannot require you or the mover to settle claims for loss and damage. If the mover will not voluntarily settle a claim to your satisfaction, the recourses available to you are:

- Submitting the claim to arbitration or mediation through a third party (including services provided by a local government agency); or
- Filing suit in a court of law (depending upon the amount contested, you may be able to use small claims courts).

**17. Complaints, other than loss and damage claims.** If you have a complaint about your household goods move, you must first contact your mover and attempt to resolve the dispute. If you are unable to resolve the dispute with the mover, then you may file an informal complaint with the commission.

An **informal complaint** is an unresolved dispute between the shipper and the mover, brought to the attention of the commission staff by the shipper. The shipper is generally requesting assistance in resolving the complaint.

The complaint is handled informally by commission staff working directly with the carrier in an attempt to resolve the complaint without the need for a formal hearing process or legal arbitration. The conclusion (finding) of the informal complaint is not binding on the company or the shipper, but is included in a permanent file subject to public review.

You may file an informal complaint with the commission: In writing, in person, by telephone, by e-mail or by FAX. We do have forms available with which you may file an informal complaint, and will provide them to you upon request. No matter which method you choose to file, you must include at least the following information:

- Your name, current address and telephone number;
- The date of your move;
- The bill of lading number for your move;
- The name and address of the company who performed the move;
- The origin and destination cities of the move;
- The details of your dispute; and
- The resolution you seek.

It is also helpful to us in resolving your dispute if you attach a copy of the bill of lading and/or other documents related to the dispute.

You may file a **formal complaint** with the commission at any time. A formal complaint is a quasi-judicial proceeding, much like going to court. A formal complaint must state a situation in which the moving company is in violation or claimed to be in violation of a provision of law, order, or rule of the commission, or the provisions of the company's approved tariff. You are responsible for proving the violation occurred.))

**AMENDATORY SECTION** (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-650 Form of estimates. (1) When must I provide a written estimate?** If a shipper requests an estimate, you must provide a written estimate only after you, or your representative, have visually inspected the goods to be shipped.

**(2) What must I include on a written estimate?** Your written estimate must include the following information:

(a) The name, address and telephone number of the household goods carrier who will perform the service;

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(b) The name, company affiliation, title and telephone number of the person preparing the estimate;

(c) The name of the shipper and the receiver of the goods;

(d) The complete physical address of the origin, destination and any intermediate stops of the proposed movement;

(e) The total mileage between the origin and destination, including any intermediate stops;

(f) The ~~((applicable))~~ rates on which the estimated charges will be based;

(g) A list of the articles upon which the estimate is based (inventory);

(h) The estimated cubic footage for each article;

(i) The estimated total weight of the shipment, based upon a formula of not less than seven pounds per cubic foot (example: A box one foot by one foot by one foot = seven pounds);

(j) An itemized statement of all known accessorial services to be performed, articles supplied, and their charges;

(k) An estimate of the total charges, including transportation and accessorial charges;

(l) A printed statement on the first page of a nonbinding estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

#### IMPORTANT NOTICE

This nonbinding estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. If you request additional services to complete the move or add articles to the inventory attached to this estimate, the household goods mover must prepare a supplemental estimate which will change the amount of the original estimate and may change the rate on which these new charges are based.

Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, except as provided below:

(1) A household goods carrier may not charge more than twenty-five percent more than its written nonbinding estimate for time charges for a local hourly rated move nor can the household goods carrier charge more than fifteen percent more than the written nonbinding estimate for accessorial and other services not related to time, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(2) A household goods carrier may not charge more than fifteen percent above your written nonbinding estimate for a long-distance-rated move, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(3) **Am I required to have the shipper sign the estimate?** Yes, shippers must sign the written estimate.

(4) **How long must I keep written estimates?** You must keep a written estimate((s)) in your files for at least two years(~~(-including estimates you provided but for which you did not perform any services))~~ after you conduct the move.

(5) **What if I am unable to provide a written estimate?** If a customer requests a written estimate and you refuse to provide one, you may not conduct that move by agreeing to meet or beat another company's estimate.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-660 Supplemental estimates.** (1) **When must I prepare a written supplemental estimate?** You must provide a written supplemental estimate if you have given the shipper a written estimate and the circumstances surrounding the move change in any way to cause the rate for service or the estimated charges to increase.

(2) **What rates must I use to prepare a supplemental estimate?** (~~You must use the same rates as you used in determining charges for the original estimate.~~) When providing a supplemental estimate you must not apply a higher rate to the articles and services identified in the original estimate. You may choose to use a higher rate for new services or additional articles not included in the original estimate.

(3) **Must the shipper sign the supplemental estimate?** Yes, the shipper must sign the supplemental estimate or the additional work cannot be performed.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

**WAC 480-15-740 What information must I include on a bill of lading?** You must list on the bill of lading all information necessary to determine tariff rates and charges. Any element that you use in determining transportation charges must be clearly shown on the bill of lading. This information includes, but is not limited to:

(1) The date the shipment was packed, loaded, transported, delivered, unloaded and unpacked;

(2) The number and size of each type of carton, crate, or container used in packing the shipper's goods;

(3) The exact address at which the shipment, or any part of that shipment, was loaded or unloaded;

(4) The nature of any special services performed on behalf of the shipper;

(5) The name, address, and total charges of any third party services incurred on behalf of the shipper;

(6) Any special circumstances that entered into the determination of transportation charges (for example: Detours or road conditions that required you to take a circuitous route, thus incurring additional mileage charges);

(7) The start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates;

(a) In lieu of recording each person's start time, stop time, and interruptions on the bill of lading, a carrier may maintain a separate, but complete, record of each person's activities in sufficient detail to verify the proper rates and charges.

(b) A carrier must be able to identify, through payroll records, each person involved in a move and provide that information to commission staff on request.

(c) In all cases a carrier must record on the bill of lading the start time and stop time of any hourly rated move, and any interruptions in service;

(8) On any shipments where the shipper did not receive a written estimate, you must make a notation on the bill of lading that the shipper was given a copy of the brochure "Your Rights and Responsibilities as a Moving Company Customer." The shipper must initial on or near your notation on the bill of lading, acknowledging receipt of the information.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-15-030                      Waiver of rules.

**WSR 00-09-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
[Filed April 18, 2000, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-12-029.

Title of Rule: WAC 388-96-779, 388-96-780, 388-96-781, 388-96-782, and 388-96-901, nursing facility Medicaid payment system.

Purpose: To implement two Medicaid nursing facility payment programs required by RCW 74.46.508.

Statutory Authority for Adoption: RCW 74.46.800.

Statute Being Implemented: RCW 74.46.508.

Summary: The proposed rules establish criteria for nursing facilities and for Medicaid-eligible nursing facility residents, in order to make enhanced payments for those residents with unmet exceptional care and therapy needs.

Reasons Supporting Proposal: Will comply with state statutory directives adopted in 1999 and will allow more effective care of Medicaid residents with special care and therapy needs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, Office of Rates Management, P.O. Box 45819, Olympia, WA 98504-5819, (360) 753-0631.

Name of Proponent: Department of Social and Health Services.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Make sections shorter for readability.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement RCW 74.46.508 and establish criteria for participating nursing facilities and Medicaid residents to receive enhanced payments for unmet exceptional direct care or therapy care needs. It is anticipated the

enhanced payments will allow for more intensive care and therapy services leading to significant progress in functional rehabilitation.

Proposal Changes the Following Existing Rules: The proposal amends WAC 388-96-901 to exclude departmental actions taken under the exceptional care and exceptional therapy programs from administrative review and appeal.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal will impose no new costs on nursing facilities. Participation is voluntary and the programs will increase revenue to participating facilities.

RCW 34.05.328 does not apply to this rule adoption. Proposal qualifies as a significant legislative rule; however, it is exempt from the requirements of RCW 34.05.328 under subsection (5)(b)(vi) (rules that set or adjust fees or rates pursuant to legislative standards).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, 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 May 23, 2000.

Date of Intended Adoption: May 24, 2000.

April 14, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-96-779 Exceptional therapy care—Designated nursing facilities.** (1) The department will designate a maximum of twelve nursing facilities (NF) that have demonstrated excellence in therapy care. A designated NF may request payment for exceptional therapy care provided to individual NF facility Medicaid residents that meet the criteria in WAC 388-96-780.

(2) A NF requesting exceptional therapy care payments will submit a written request to the department separate from all other requests and inquiries of the department. The NF must document by providing quantitative and narrative data that demonstrates the NF's history of providing specialized rehabilitation therapy to its residents. A complete written request will include documentation that the NF:

(a) Analyzes its effectiveness at providing rehabilitative therapy by comparing changes in resident outcome measures between admission, transition, and/or discharge status for residents;

(b) Assures that residents served make measurable improvement toward accomplishment of functional goals and that the program uses measurable criteria for initiation and termination of specific rehabilitation treatment;

(c) Has substantial experience in serving residents who are under age sixty-five, not eligible for Medicare, and able to

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achieve significant progress in functional status when provided with intensive therapy care services;

(d) Provides treatment to a sufficient volume of residents to ensure an environment of peer support for residents;

(e) Utilizes a medical rehabilitation case management system; and

(f) Provides or arranges for the following rehabilitation services with staff who are licensed, registered, or certified, and who are in-house or available for treatment every day when indicated in the rehabilitation plan:

(i) Occupational therapy;

(ii) Physical therapy;

(iii) Speech/language pathology; and

(iv) Mental health that may include:

(A) Neuropsychological services;

(B) Clinical psychological services, including testing and counseling; and

(C) Substance abuse counseling.

(3) If the NF is accredited by the commission on accreditation of rehabilitation facilities (CARF), the NF will provide documentation detailing current accreditation status. If the NF has been CARF accredited but accreditation status was lost, the NF will provide documentation detailing the findings that led to the change in accreditation status.

(4) The criteria that the department will use to evaluate the request may include, but is not limited to, a review of the NF's:

(a) Current licensure and certification status;

(b) Compliance history with state and federal regulations, including a review of whether substandard care is identified;

(c) Overall financial status;

(d) Findings of Medicare/Medicaid fraud against a NF licensee to include individuals, partnerships, corporations, or other legal entities licensed to operate the nursing home; and

(e) Geographic distribution related to other NF's providing demonstrated excellence in therapy care.

(5) If the initial written request is incomplete, the department will notify the NF of the documentation and information required within thirty calendar days of receipt of the initial application. The NF will submit the requested information within fifteen calendar days from the date that the NF receives the notice to provide the information. If the NF fails to complete the request by providing all the requested documentation and information within fifteen calendar days from the date of receipt of notification, the department will deny the request.

(6) Within sixty calendar days after receipt of a complete designation request, the department will respond to a NF in writing.

(7) The department will conduct monitoring and analysis of the components listed in subsection (4) of this section for any NF receiving exceptional therapy care rates. The NF will lose its designation as a NF eligible to receive exceptional therapy care rates if:

(a) The NF provides substandard care or is subject to a stop placement or civil monetary penalties related to resident care;

(b) Any findings of Medicare/Medicaid fraud are levied against the NF licensee, to include individuals, partnerships,

corporations, or other legal entities licensed to operate a nursing home; or

(c) It loses its CARF accreditation status as a result of poor resident care.

(8) Based on monitoring and analysis of the NF receiving exceptional therapy care rates, if the NF fails to meet the criteria established in subsections (1) through (4) of this section, the department may revoke its designation as a NF eligible to receive exceptional therapy care rates. If the department revokes a NF's exceptional therapy care designation for substandard specialized rehabilitation therapy, then payment to the NF for all exceptional therapy care will end on the date of revocation.

(9) NFs receiving exceptional therapy care rate payments will be reviewed on an annual basis utilizing the criteria established in subsections (1) through (4) of this section.

#### NEW SECTION

**WAC 388-96-780 Exceptional therapy care—Covered Medicaid residents.** (1) The department will pay an exceptional therapy care rate to a nursing facility (NF) for a Medicaid resident who:

(a) Is less than sixty-five years of age;

(b) Does not qualify for Medicare;

(c) Has a functional need associated with a diagnosis of:

(i) Traumatic brain injury,

(ii) Stroke/cerebrovascular accident (CVA),

(iii) Paraplegia,

(iv) Quadriplegia, or

(v) Major multiple fractures;

(d) Resides in a NF that under WAC 388-96-779 is approved to provide exceptional therapy care; and

(e) Is assessed by a department case manager to be:

(i) Medically stable;

(ii) Physically and cognitively able to participate in the rehabilitation program;

(iii) Willing and able to participate in the rehabilitation program averaging a minimum of two hours per day, five days per week; and

(iv) Has an impairment in two or more of the following areas:

(A) Mobility and strength;

(B) Self-care/ADLs (activities of daily living);

(C) Communication;

(D) Continence-evacuation of bladder and/or bowel;

(E) Kitchen/food preparation-safety and skill;

(F) Cognitive/perceptual functioning; or

(G) Pathfinding skills and safety.

(2)(a) If a NF designated under WAC 388-96-779 wants exceptional therapy care payments for a Medicaid resident, then the NF will submit a request for exceptional therapy care payments on a department-supplied application. A complete exceptional therapy care payment application will include documentation that the Medicaid resident meets the criteria of subsection (1)(a) through (c) of this subsection. The department will:

(i) Review only complete applications; and

(ii) Return incomplete applications to the NF within five days of receipt.

(b) The department will respond to a NF requesting exceptional therapy care payments for a resident, in writing, no later than five working days after receipt of a complete application.

(i) If the department approves exceptional therapy care payments for a resident, the department will:

(A) Authorize five days of exceptional therapy care payments for observation of the resident's response to the intensive therapy;

(B) Conduct an on-site review during the five days of observation to determine whether the resident is an appropriate candidate for intensive therapy and that the NF has a viable plan to provide therapy averaging a minimum of two hours a day, five days per week; and

(C) Extend, when the department is unable to complete the on-site review during the five-day observation period, the exceptional therapy care payments until the department is able to complete the on-site review.

(ii) When the department determines a resident is:

(A) An appropriate candidate and the NF has a viable plan to meet the minimum hours and days of therapy, the department will authorize continuing exceptional therapy care payments; or

(B) An inappropriate candidate or the NF lacks a viable plan to meet the minimum hours and days of therapy, the department will discontinue the authorized days of payment per subsection (2)(b)(i) of this section effective the day after the on-site review and deny continuing exceptional therapy care payments beyond the day of the on-site review.

(iii) Before the conclusion of the on-site visit, the department will give the NF written confirmation of approval or denial of continuing exceptional therapy care payments.

(iv) All exceptional therapy care payments are contingent upon the resident being eligible for Medicaid. A NF may provide exceptional therapy care and/or seek approval for exceptional therapy care payments on residents for whom it does not have a Medicaid award letter because the determination of the resident's Medicaid eligibility is pending. If the resident is denied Medicaid coverage, then the department will not pay for any exceptional therapy care, including the authorized days per subsection (2)(b)(i) of this section.

(3)(a) For the Medicaid resident receiving exceptional therapy care, a NF must complete a FIM or department approved functional assessment measure for each exceptional therapy care Medicaid resident within:

(i) Five calendar days of initiation of the exceptional therapy care;

(ii) Fourteen calendar days of initiation of the exceptional therapy care;

(iii) Thirty calendar days of initiation of the exceptional therapy care;

(iv) Sixty calendar days of initiation of the exceptional therapy care;

(v) Ninety calendar days of initiation of the exceptional therapy care; and

(vi) At discharge or termination of the exceptional therapy care.

(b) The department case manager will review the FIM assessments to determine whether the exceptional therapy care rate continues to be necessary. The department will ter-

minate the exceptional therapy care rate for a Medicaid resident who has made no measurable improvement in rehabilitation as demonstrated by his/her assessments.

(c) The NF will notify the department of the date it discontinues exceptional therapy care to the Medicaid resident. If the NF discontinues the exceptional therapy care because it discharged the Medicaid resident, the NF will provide the department with the discharge disposition and date.

(4) The department will pay an exceptional therapy care rate up to a maximum of one hundred days per episode. After one hundred days, the department will pay for any therapy treatment the Medicaid resident may receive under RCW 74.46.511.

#### NEW SECTION

**WAC 388-96-781 Exceptional direct care component rate allocation—Covered Medicaid residents.** A nursing facility (NF) may receive an increase in its direct care component rate allocation for providing exceptional care to a Medicaid resident who:

(1) Receives specialized services to meet chronic complex medical conditions and neurodevelopment needs of medically fragile children; and

(2) Resides in a NF where all residents are under age twenty-one with at least fifty percent of the residents entering the facility before the age of fourteen.

#### NEW SECTION

**WAC 388-96-782 Exceptional therapy care and exceptional direct care—Payment.** (1)(a) The department will pay for exceptional therapy care authorized under WAC 388-96-780 according to the current therapy fee for service schedule maintained by the department.

(b) All payments for therapy care from third-party payers and/or other department programs, e.g., physical medicine and rehabilitation (PM&R) will be deducted before billing the department under the exceptional therapy program. The nursing facility (NF) will bill the department for the authorized exceptional therapy care according to the department's billing instructions, including but not limited to WAC 388-545-0300, 388-545-0500, and 388-545-0700.

(2) For WAC 388-96-781 residents, the department will pay the resident's total rate in effect on December 31, 1999, inflated by the industry weighted average economic trends and conditions adjustment factor.

**AMENDATORY SECTION** (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

**WAC 388-96-901 Disputes.** (1) If a contractor wishes to contest the way in which a statute or department rule relating to the nursing facility Medicaid payment system was applied to the contractor by the department, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative

review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
  - (ii) Calculating a nursing facility settlement;
  - (iii) Imposing a civil fine on the nursing facility;
  - (iv) Suspending payment to a nursing facility; or
  - (v) Refusing to contract with a nursing facility.
- (b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to those taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.
- (2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding office shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:
- (a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;
  - (b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;
  - (c) Challenges to a contractor's rate that are based in whole or in part of federal laws, regulations, or policies;
  - (d) Challenges to the legal validity of a statute or regulation;
  - (e) Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;
  - (f) Quarterly rate updates to reflect changes in a facility's resident case mix; ~~(and)~~
  - (g) Issues relating to any action of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and adult services administration, for example, entitlement to or payment for durable medical equipment or other services; and
  - (h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782.
- (3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility Medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

**WSR 00-09-081**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed April 18, 2000, 3:03 p.m.]

Original Notice.

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

Title of Rule: WAC 388-450-0015 Excluded and disregarded income.

Purpose: The rule excludes income received from temporary employees of the United States Census Bureau between February 1 - December 31, 2000, for all cash, medical and food assistance programs.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, USDA AN 00-27.

Statute Being Implemented: RCW 74.08.090, 74.04.050.

Summary: Food and nutrition services (FNS) has agreed to allow the exclusion of temporary income from the United States Census Bureau for food assistance. The rule excludes income received from temporary employees of the United States Census Bureau between February 1 - December 31, 2000, for all cash, medical and food assistance programs.

Reasons Supporting Proposal: Recent concerns have arisen regarding the decreasing food stamp participation rates and ensuring food security of persons eligible for food assistance benefits. This rule allows needy persons to obtain transferable job skills without reducing the food stamp participation rate. Also in the interest of program simplification, this rule ensures that the exclusion of temporary United States Census Bureau income applies to all programs besides food assistance, such as medical and cash. Lastly, by supporting the census bureau's recruitment efforts, the rule helps in ensuring an accurate count while maximizing the federal funds available to residents of the state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Yanagida, DAP, 1009 College Street, Lacey, WA 98504, Mailstop 45470, (360) 413-3104.

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

Rule is necessary because of federal law, USDA AN 00-27.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule excludes income received from temporary employees of the United States Census Bureau between February 1 - December 31, 2000, for all cash, medical and food assistance programs. This rule allows needy persons to obtain transferable job skills without reducing the food stamp participation rate. Also in the interest of program simplification, this rule ensures that the exclusion of temporary United States Census Bureau income applies to all other programs besides food assistance, such as medical and cash. Lastly, by supporting the census bureau's recruitment efforts, the rule helps in ensuring an accurate count and maximizing the federal funds available to residents of the state.



Proposal Changes the Following Existing Rules: WAC 388-450-0015. We have added temporary census income received between February 1, 2000 - December 31, 2000, to the list of income exclusion.

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

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, 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 May 23, 2000.

Date of Intended Adoption: No sooner than May 24, 2000.

April 14, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

**WAC 388-450-0015 Excluded and disregarded income.** This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs.

(1) Excluded income is income that is not counted when determining a client's eligibility and benefit level. Types of excluded income include but are not limited to:

(a) Bona fide loans as defined in WAC 388-470-0025, except certain student loans as specified under WAC 388-450-0035.

(b) Federal earned income tax credit (EITC) payments;

(c) Title IV-E and state foster care maintenance payments if the foster child is not included in the assistance unit;

(d) Energy assistance payments;

(e) Educational assistance as specified in WAC 388-450-0035;

(f) Native American benefits and payments as specified in WAC 388-450-0040;

(g) Income from employment and training programs as specified in WAC 388-450-0045;

(h) Money withheld from a client's benefit to repay an overpayment from the same income source. For food assistance, this exclusion does not apply when the money is withheld to recover an intentional noncompliance overpayment from a federal, state, or local means tested program such as TANF/SFA, GA, and SSI; ((and))

(i) Child support payments received by TANF/SFA recipients; and

(j) Income received from the U.S. Census Bureau as a temporary employee between February 1, 2000 and December 31, 2000.

(2) For food assistance programs, the following income types are excluded:

(a) Emergency additional requirements authorized to TANF/SFA and RCA clients under WAC 388-436-0001 and paid directly to a third party;

(b) Cash donations based on need received directly by the household if the donations are:

(i) Made by one or more private, nonprofit, charitable organizations; and

(ii) Do not exceed three hundred dollars in any federal fiscal year quarter.

(c) Infrequent or irregular income, received during a three-month period by a prospectively budgeted assistance unit, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Does not exceed thirty dollars for all household members.

(3) All income that is not excluded is considered to be part of an assistance unit's gross income.

(4) For food assistance households not containing an elderly or disabled member, the assistance unit is ineligible if its gross income exceeds one hundred thirty percent of the federal poverty level as specified in WAC 388-478-0060.

(5) Disregarded income is income that is counted when determining an assistance unit's gross income but is not used when determining an assistance unit's countable income. Types of disregarded income include but are not limited to:

(a) Earned income incentives and disregards for cash assistance; and

(b) Earned income disregard and income deductions for food assistance.

**WSR 00-09-082**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 18, 2000, 3:05 p.m.]

Original Notice.

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

Title of Rule: WAC 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants.

Purpose: To conform to recent interpretation of the law, allowing state-funded food assistance eligibility to aliens who are PRUCOL (permanently residing under color of law).

Statutory Authority for Adoption: RCW 74.08A.120.

Statute Being Implemented: RCW 74.08A.120.

Summary: Expands eligibility for state-funded food assistance to aliens who are PRUCOL (permanently residing under color of law).

Reasons Supporting Proposal: RCW 74.08A.120.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Mailstop 45470, 1009 College Street S.E., Lacey, WA 98503, (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: This change in WAC 388-424-0025 will expand state-funded food assistance to a population whose food assistance needs are not addressed in our federally-funded food stamp program. This population (aliens permanently residing under color of law (PRUCOL aliens)) only has local food banks and other nonprofit organizations to help alleviate nutrition deficiencies.

Proposal Changes the Following Existing Rules: WAC 388-424-0025 will expand state-funded food assistance to a needy population, aliens permanently residing under color of law (PRUCOL aliens).

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses. This rule affects food assistance recipients only.

RCW 34.05.328 applies to this rule adoption. This does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 12, 2000, 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 May 23, 2000.

Date of Intended Adoption: No sooner than June 7, 2000.

April 14, 2000

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 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants.** To receive benefits under the food assistance program (FAP) for legal immigrants ((FAP), a person), you must be one of the following:

(1) A qualified alien, as defined in WAC 388-424-0005, who cannot receive federal food stamps because of the eligibility restrictions described in WAC 388-424-0020; or

(2) An alien who ((is)) does not meet the definition of a qualified alien as defined in WAC 388-424-0005 but who is:

(a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA);

(b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act;

(c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA;

(d) Granted family unity status by the INS and the alien's spouse or parent is eligible to participate in FAP or the federal food stamp program; or

(e) Permanently residing under color of law (PRUCOL) in the United States as defined in WAC 388-424-0005(4).

**WSR 00-09-083**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF ECOLOGY**

[Filed April 18, 2000, 3:11 p.m.]

The Department of Ecology hereby gives notice of the withdrawal of the proposed Model Toxics Control Act amendments, chapter 173-340 WAC; Remedial action grants amendments, chapter 173-322 WAC; and Public participation grants amendments, chapter 173-321 WAC. The original proposal notice was filed as WSR 99-22-077 on November 2, 1999. This withdrawal is due to an administrative error in which the published adoption date in the Register exceeded by two days the statutory limit of one hundred eighty days to adopt a rule under the Administrative Procedure Act.

The department anticipates filing a Notice of Proposed Rule Making (CR-102) on these chapters in June 2000. That filing will include rule revisions based on the comments submitted during the public comment period that closed January 17, 2000.

April 18, 2000  
Daniel Silver  
Deputy Director

**WSR 00-09-090**

**PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed April 19, 2000, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-052.

Title of Rule: Chapter 16-662 WAC, Weights and measures—National handbooks.

Purpose: This rule would adopt current versions of National Institute of Standards and Technology (NIST) Handbooks. Specifically NIST Handbook 130 entitled, *Uniform Laws and Regulations in the areas of legal metrology and motor fuel quality* and NIST Handbook 44 entitled, *Specifications, Tolerances and other Technical requirements for Weighing and Measuring Devices*.

Statutory Authority for Adoption: RCW 19.94.195.  
Statute Being Implemented: Chapter 19.94 RCW.

PROPOSED

Summary: This rule adopts the 2000 versions of NIST Handbook 130 and Handbook 44.

Reasons Supporting Proposal: Chapter 19.94 RCW requires the adoption of the most current handbooks and the changes would bring the state requirements into conformance with national standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts the 1998 versions of NIST Handbooks 130 and 44. The handbooks provide uniform regulations and technical guidance. Changing to the current versions will achieve compliance with the statutory requirement for adopting the most current handbooks. These handbooks are adopted by almost all 50 states. Their adoption promotes uniformity in this regulatory activity across the nation.

Proposal Changes the Following Existing Rules: The rule change would adopt the 2000 versions of Handbooks 130 and 44.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose any additional costs to small businesses under RCW 19.85.030.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 2nd Floor, Room 205, 1111 Washington Street; Olympia, WA 98504, on May 23, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Turett by May 22, 2000, TDD (360) 902-1996, or (360) 602-1976.

Submit Written Comments to: Washington State Department of Agriculture, Weights and Measures, Jerry Buendel, Program Manager, P.O. Box 4256, or 1111 Washington Street, Olympia, WA 98504-2506, fax (360) 902-2086, by May 22, 2000.

Date of Intended Adoption: June 23, 2000.

April 17, 2000  
Julie C. Sandberg  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 99-07-056, filed 3/16/99, effective 4/16/99)

**WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.**

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((1999)) 2000 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other*

*Technical Requirements for Commercial Weighing and Measuring Devices.*

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((1999)) 2000 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1998)) 2000 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1999)) 2000 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1999)) 2000 Edition.

**WSR 00-09-095**

**PROPOSED RULES**

**LIQUOR CONTROL BOARD**

[Filed April 19, 2000, 11:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-04-118 and 99-12-125.

Title of Rule: Chapter 314-19 WAC, Beer and wine tax reporting and payment requirements.

Purpose: 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. Proposed chapter 314-19 WAC would replace other WACs and policies that outline the requirements for beer and wine tax reporting and payment.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

Summary: This proposed chapter would outline the beer and wine tax reporting requirements for eight different nonretail licensees.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648; Implementation and Enforcement: David Goyette, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1611.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed chapter 314-19 WAC would outline the beer and wine tax reporting and payment requirements for beer/wine distributors, importers, breweries, wineries, public house licensees, and beer/wine certificate of approval holders. Proposed chapter 314-19 WAC would replace other rules and policies that currently address tax reporting and payment requirements qualifications. Per Governor Locke's Executive Order 97-02, the proposed rules were written in clear language in an attempt to create more usable regulations.

Proposal Changes the Following Existing Rules: The following rules would be replaced by the proposed rules: WAC 314-16-130, 314-20-010, 314-20-040, 314-20-060, 314-20-150, 314-20-180, 314-24-095, 314-24-110, and 314-26-010.

The following rules would be revised by the proposed rules: WAC 314-20-015, 314-20-160, 314-20-170, 314-24-120, and 314-24-160.

Proposed chapter 314-19 WAC would replace these rules that currently address retail liquor licensing qualifications. Per Governor Locke's Executive Order 97-02, the proposed rules were written in clear language in an attempt to create more usable regulations. Several changes are being proposed in these redrafted regulations:

- Move the beer tax liability from breweries to beer distributors, making this process consistent with wine tax collection;
- Revise the surety bond requirement from mandatory for all licensees with a tax liability to a requirement only for those consistently late in reporting and paying taxes; and
- Add an option for an assignment of savings account as an alternative to acquiring a surety bond.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA 98501, on May 24, 2000, at 9:30 a.m.; and at

Cavanaugh's, 1415 5th Avenue, Seattle, WA 98101, on May 31, 2000, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by May 23, 2000, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 704-4920, by June 5, 2000.

Date of Intended Adoption: June 7, 2000.

April 18, 2000  
Eugene Prince, Chair

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.**

(1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises. ~~((—Provided, That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010.))~~

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040. ~~((Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.))~~

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production.

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

AMENDATORY SECTION (Amending Order 85, filed 10/28/81)

**WAC 314-20-160 Importation of foreign beer—~~((Certificate of approval required—))~~Reports—Payment of tax.** Beer manufactured outside of the United States may be imported by a beer importer or distributor, but only under the following conditions:

(1) ~~((The beer importer must be the holder of a certificate of approval, and shall furnish the bond required by WAC 314-20-010.~~

(2) ~~The beer importer importing such beer shall be at all times solely responsible for the payment of any and all taxes due the state of Washington on account of such beer.)~~ Such beer shall be imported and delivered directly to either the warehouse of the importer or distributor or to some other warehouse previously designated by the importer or distributor and approved by the board.

~~((3) On or before the twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board, setting forth the quantity, brand, type, and package sizes of such beer and shall pay to the board the tax due thereon as provided in WAC 314-20-010.~~

(4) ~~(2)~~ All matters pertaining to the importation, transportation, storage, payment of taxes and keeping of records, and all other matters pertaining to the importation of beer manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

AMENDATORY SECTION (Amending Rule 56, filed 6/13/63)

**WAC 314-20-170 Holders of certificates of approval.** Each brewer holding a certificate of approval may ship beer only to licensed beer importers or distributors. ~~((In those cases where the beer importer orders beer for export and requests that such beer be stamped with beer "in transit" stamps, the beer may be shipped, provided the appropriate beer "in transit" stamps are properly affixed to the packages or containers, subject to the exception as provided in WAC 314-20-040(1).))~~ As ~~((a part of the reports))~~ required by RCW 66.24.270 (sec. 23-F of the Washington State Liquor Act) and by the written agreement embodied in the application for certificate of approval, ~~((and at the time of filing monthly report with the board))~~ each brewer holding a certificate of approval shall ~~((pay the tax on behalf of the beer importer on all shipments of beer to such importers during the preceding calendar month, other than beer shipped with "in transit" stamps affixed, and shall make report as follows))~~ file the report(s) required by WAC 314-19-015.

~~((1) Such report shall show the quantity of beer sold or delivered to each licensed beer importer during the preceding month, together with the number, type and size of the packages or containers, respectively, and the date and invoice number of each shipment of such beer;~~

~~(2) a statement showing the respective amount of "in transit" stamps affixed to the packages or containers; and~~

~~(3) a) All reports shall be made upon forms prescribed, and furnished by the Washington state liquor control board.~~

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

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-24-120 Importation of foreign wine—United States wineries—~~((Certificate of approval required—))~~Monthly reports—Records.** (1) Foreign wine. Wine manufactured outside of the United States may be imported by a wine importer or distributor under the following conditions:

(a) ~~((The wine importer must be the holder of a certificate of approval.~~

(b) ~~((The wine importer (certificate of approval holder) or distributor importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer (certificate of approval holder) or distributor or to some other warehouse previously designated by the importer or distributor and approved by the board.~~

~~((c) On or before the twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board upon forms prescribed and furnished by the board.~~

(d) ~~(b)~~ All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

~~((e) Any wine importer (certificate of approval holder) holding a wine distributor's license should refer to WAC 314-24-110 for requirements on surety bond and payment of wine tax.)~~

(2) Holders of certificate of approval—United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers and/or distributor only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall ~~((, on or before the twentieth day of each month, furnish to the board a report of such shipments))~~ file the report(s) required by WAC 314-19-015.

~~((a) Such report shall show the quantity of wine sold or delivered to each licensed wine importer during the preceding month, together with such other information as the board may require.~~

~~(b) All reports shall be made upon forms prescribed and furnished by the Washington state liquor control board.~~

PROPOSED

~~(3) Failure to make such a report at the time and in the manner as prescribed will be sufficient cause for the board to forthwith suspend or revoke the certificate of the certificate of approval holder.)~~

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

**AMENDATORY SECTION** (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine restaurant operation.**

(1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises(~~(= Provided, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 (Rule 69)).~~)).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.040. (~~Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.~~)

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

(7) A winery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the winery premises that is not of its own production.

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

NEW SECTION

**WAC 314-19-005 What is the purpose of chapter 314-19 WAC?** The purpose of this chapter is to outline the beer and wine tax reporting and payment requirements for the following liquor licensees:

Type of liquor license	Laws that outline tax rates and requirements
(a) Washington beer and/or wine distributor	RCWs 66.24.210, 66.24.230, 66.24.290, 66.24.305
(b) Washington beer and/or wine importer	RCW 66.24.230
(c) domestic brewery	RCWs 66.24.270, 66.24.290, 66.24.305
(d) microbrewery	RCWs 66.24.270, 66.24.290, 66.24.305
(e) domestic winery	RCWs 66.24.210, 66.24.215, 66.24.230, 66.24.305
(f) public house	RCW 66.24.290, 66.24.580
(g) beer certificate of approval holder	RCW 66.24.270
(h) wine certificate of approval holder	RCWs 66.24.210, 66.24.206

NEW SECTION

**WAC 314-19-010 Definitions.** The following definitions are to clarify the purpose and intent of the rules and laws governing beer and wine tax reporting and payment requirements. Additional definitions can be found in RCW 66.04.010.

(1) "Missing." A monthly tax report or payment is considered missing if it is more than 30 days past the required filing date. Required filing dates are outlined in RCW 66.24.206, RCW 66.24.210, RCW 66.24.270, RCW 66.24.290 and WAC 314-19-015.

(2) "Samples" are beer and/or wine furnished to retail licensees for the purpose of negotiating a sale, per RCW 66.28.040. See WAC 314-64-080 for sampling procedures.

(3) "Tastings" are beer and/or wine products provided to customers at no charge for the purpose of promoting a sale, that are consumed on the premises of a domestic brewery, microbrewery, winery, or additional winery locations as authorized by RCW 66.24.170(4). Tastings are not taxable under this title.

NEW SECTION

**WAC 314-19-015 What are the monthly reporting and tax payment requirements?** (1) The required monthly beer and/or wine tax reports must be:

(a) on a form furnished by the board or in a format approved by the board;

(b) filed every month, including months with no activity or taxes due; and

PROPOSED

(c) submitted, with the tax due, to the board on or before the twentieth day of each month, for the previous month (for example, a report listing transactions for the month of January is due by February 20). When the twentieth day of the month falls on a Sunday or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.

Type of licensee	Tax Payment Requirements
(2) Washington beer and/or wine distributor	<p>(a) Distributors must pay taxes on all beer and/or wine received during the preceding calendar month, including samples received at no charge. The total tax due (per barrel for beer and per liter for wine) is to be paid by the first distributor to receive the product and must be included with the monthly report.</p> <p>(b) Distributors do not pay taxes on beer and/or wine received from another in-state licensed distributor who has already paid the Washington State tax on the product.</p> <p>(c) Distributors may claim a tax refund or credit for the following (see WAC 314-19-030 for information on claiming a tax refund or credit):</p> <ul style="list-style-type: none"> <li>(i) shipments exported directly to a point outside the state of Washington, including sales to interstate common carriers;</li> <li>(ii) sales to the Washington State liquor control board;</li> <li>(iii) sales to any military reservation in Washington State;</li> <li>(iv) samples on which the tax has already been paid; and</li> <li>(v) product that is deemed unsalable due to freight damage or other causes that occurred prior to receipt by the distributor, subject to the following conditions:                             <ul style="list-style-type: none"> <li>(A) the unsalable product must be destroyed within the state of Washington (per RCW 66.24.305);</li> <li>(B) the licensee must notify their local liquor enforcement officer in advance for destruction of more than 50 cases of wine or 200 cases of beer;</li> <li>(C) the licensee must report the destroyed product on the next required monthly report; and</li> <li>(D) the licensee must keep records showing the reason for the destruction and an inventory of products destroyed. These records must be kept on the licensed premises and available for inspection by board employees for a period of two years.</li> </ul> </li> </ul>
(3) Washington beer and/or wine importer	<p>Importers must pay taxes on samples received during the preceding calendar month, as follows:</p> <ul style="list-style-type: none"> <li>(a) If the samples are used by the importer within the state of Washington, the importer must pay the tax.</li> </ul>

	(b) If samples are provided to a distributor for use by the distributor, the distributor must pay the tax.
(4) Domestic breweries, microbreweries, and domestic wineries	<p>(a) Domestic breweries, microbreweries, and domestic wineries must pay taxes on beer and/or wine that is:</p> <ul style="list-style-type: none"> <li>(i) sold at retail on the licensed premises (or additional winery locations as authorized by RCW 66.24.170(4)), including retail sales to out-of-state residents;</li> <li>(ii) sold to retail licensees;</li> <li>(iii) furnished as samples to licensees as authorized by RCW 66.28.040 and WAC 314-64-080;</li> <li>(iv) provided as donations to qualifying non-profit organizations, per RCW 66.28.040; and</li> <li>(v) received via an inter-plant transfer if used as outlined in above subsections (i), (ii), (iii), or (iv).</li> </ul> <p>(b) Domestic breweries, microbreweries, and domestic wineries do not pay tax on beer and/or wine that is:</p> <ul style="list-style-type: none"> <li>(i) sold to distributors;</li> <li>(ii) shipped out of a particular location for an inter-plant transfer;</li> <li>(iii) exported directly to a point outside the state of Washington, including sales to interstate common carriers;</li> <li>(iv) sold to the Washington State liquor control board;</li> <li>(v) sold to any military reservation in Washington State; or</li> <li>(vi) provided as a tasting on the brewery or winery premises (see WAC 314-19-010(3) for the definition of "tastings.")</li> </ul>
(5) Out-of-state beer and/or wine certificate of approval holders	<p>(a) Certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed wine distributor or importer during the preceding month.</p> <p>(b) Tax is due from the certificate of approval holder only on samples shipped to licensed agents or directly to retailers within Washington. See WAC 314-64-080 for information on providing samples.</p>
(6) Public House licensees	Public house licensees must pay taxes on all sales of their own product during the preceding calendar month.

PROPOSED

**NEW SECTION**

**WAC 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?** The board may take the following actions against a domestic brewery, microbrewery, domestic winery, beer/wine distributor, beer/wine importer, public house licensee, or beer/wine certificate of approval holder in order to collect any of the reports or taxes due that are outlined in this title.

PROPOSED

<p><b>(1) Suspension or revocation of license</b></p>	<p>(a) Failure to make a report and/or pay the taxes in the manner and dates outlined in this chapter will be sufficient ground for the board to suspend or revoke a liquor license or certificate of approval (per RCW 66.08.150, RCW 66.24.010, RCW 66.24.120, 66.24.206, and 66.24.270).</p> <p>(b) The suspension will remain in effect until all missing reports and/or taxes have been filed with the board (see WAC 314-19-005(1) for the definition of "missing").</p>
<p><b>(2) Penalties</b></p>	<p>A penalty will be assessed on any tax payments postmarked after the twentieth day of the month following the month of sale (per the reporting requirements outlined in WAC 314-19-015, RCW 66.24.290, and RCW 66.24.210). When the twentieth day of the month falls on a Sunday or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.</p>
<p><b>(3) Surety bond requirements</b></p>	<p><b>(a) What is a surety bond?</b> A "surety bond" is a type of insurance policy that guarantees beer and/or wine tax payment to the state. The surety bond must be:</p> <p>(i) executed by a surety company authorized to do business in the state of Washington;</p> <p>(ii) on a form and in an amount acceptable to the board;</p> <p>(iii) payable to the Washington state liquor control board; and</p> <p>(iv) conditioned that the licensee will pay the taxes and penalties levied by RCW 66.24.210 and/or RCW 66.24.290.</p> <p>(v) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.</p>
	<p><b>(b) When will the board require a surety bond?</b> If any of the following occur at one or more licensed locations, the board will require the licensee to obtain a surety bond or assignment of savings account for each licensed location, within twenty-one days:</p> <p>(i) a report or tax payment is missing, as defined in WAC 314-19-010(1), for two or more consecutive months; or</p> <p>(ii) a report or tax payment is missing, as defined in WAC 314-19-010(1), two or more times within a two year period.</p>

	<p><b>(c) What will happen if the licensee does not acquire the surety bond or savings account?</b> Failure to meet the bonding or savings account requirements outlined in subsections (a) and (b) of this rule may result in immediate suspension of license privileges until all missing reports are filed and late taxes have been paid.</p>
	<p><b>(d) In what amount and for how long will the board require a surety bond?</b> The amount of a surety bond or savings account required by this chapter must be either \$3,000, or the total of the highest four months' worth of tax liability for the previous twelve month period, whichever is greater.</p> <p>(i) the licensee must maintain the bond for at least two years. After the two year period the licensee may request an exemption as outlined in subsection (f) of this rule.</p> <p>(iii) Surety bond and savings account amounts will be reviewed annually and compared to the last twelve months' tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee will be required to increase the bond amount or amount on deposit within twenty-one days.</p>
	<p><b>(e) What action will the board take when a licensee holds a surety bond and does not pay taxes due or pays late?</b> If a licensee holds a surety bond or savings account, the board will immediately start the process to collect overdue taxes from the surety company or assigned account. If the exact amount of taxes due is not known due to missing reports, the board will estimate the taxes due based on previous production, receipts, and/or sales.</p>
	<p><b>(f) Can a licensee request an exemption to the surety bond or savings account requirement?</b> A licensee may make a written request to the board's financial division for an exemption from the surety bond or assignment of savings account requirements. The board will grant an exemption once the following criteria are met for each of the requesting licensee's locations:</p> <p>(i) The licensee has filed reports and paid applicable taxes to the board for at least two years immediately prior to the exemption request; and</p> <p>(ii) there have been no late or missing reports or tax payments during the previous two years.</p>



	(iii) In order to remain exempt from the surety bond or assignment of savings account requirements, the licensee must continue to meet the tax reporting and payment requirements outlined in this title (outlined in WAC 314-19-015, RCW 66.24.206, RCW 66.24.210, RCW 66.24.270, RCW 66.24.290, and RCW 66.24.580).
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**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 314-19-025 Are there any exceptions to the tax payments required in this chapter if the licensee primarily exports beer and/or wine?** Washington beer and/or wine distributors or importers who purchase fifty percent or more of their beer or wine for the purpose of exporting the product from the state may request that the board make simplified arrangements for reporting and payment of tax.

- (1) The licensee must make a written request for such arrangement to the board's financial division.
- (2) The board will make such arrangements on an individual basis for the purpose of simplifying the reporting and accounting requirements.

**NEW SECTION**

**WAC 314-19-030 How can a licensee claim a credit or refund for tax-paid product?**

(1) How to claim a tax credit	(2) How to claim a tax refund
(a) On the next monthly report, show the amount of product for which a tax credit is due in the appropriate section(s) of the form.	(a) A licensee may request a refund, rather than claim a credit, if no tax is due on the next required report.
(b) Deduct the total credit from the total amount due on this report.	(b) On the next monthly report, the licensee must show the amount of product for which a tax refund is due in the appropriate section(s) of the form.
	(c) The board will not issue a refund check until the total amount to be refunded accumulates to at least ten dollars.

**NEW SECTION**

**WAC 314-19-035 Reduced tax rate for beer** (1) The additional beer taxes imposed under RCW 66.24.290 (3)(a) do not apply to the first sixty thousand barrels of beer sold by a brewery in Washington each fiscal year, if:

- (a) the beer is produced in the United States; and
  - (b) the producing brewery meets the qualifications of 26 U.S.C. Sec. 5051 (a)(2).
- (2) In order to qualify for this exemption, the Washington brewer or the out-of-state beer certificate of approval holder must provide the board a copy of a Bureau of Alcohol, Tobacco and Firearms acknowledged copy of their filing

"Notice of Brewer to Pay Reduced Rate of Tax" for the calendar year (as required under 27 C.F.R. Sec. 25.167).

(3) The tax exemption will not apply until the first day of the second month following the month the notice is received (for example, if the notice is received by the Board on January 10, the tax exemption will start on March 1).

(4) How will the distributor know what tax rate to pay for each brewery's products?

(a) The board will provide distributors a list of breweries that qualify for the reduced tax rate; and

(b) The qualifying brewery is responsible to inform the distributors when product sold to distributors exceeds the first 60,000 barrels exempted from the additional tax.

(c) Once a qualifying brewery's sales to distributors exceeds 60,000 barrels, the distributors must begin paying the full tax rate on their next monthly tax report.

**NEW SECTION**

**WAC 314-19-040 Is there any exception to the additional tax imposed on fortified wine?** (1) RCW 66.24.210(4) imposes an additional tax on fortified wine. RCW 66.04.010(37) defines "fortified wine" as wine that has an alcohol content greater than fourteen percent of alcohol by volume, and outlines exceptions for when wine can be over fourteen percent alcohol by volume and not be considered "fortified."

(2) In order to not pay the additional tax on fortified wine that falls under one of the exceptions in RCW 66.04.010(34), a manufacturer, importer, or distributor must file an affidavit of exception on a form prescribed by the board.

(a) The form must be submitted to the board's licensing and regulation division.

(b) The board will only exempt payments owed and/or submitted after the affidavit is on file with the board. Tax payments owed and/or submitted prior to the board receiving the affidavit will not be adjusted.

(c) The licensee who files the affidavit is responsible for the information it contains. Any affidavit which the board finds to contain false information may result in suspension of label and product approval for the wine products that are the subject of the affidavit, for not less than one year.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 314-16-130	In transit stamps.
WAC 314-20-010	Brewers—Importers—Distributors—Monthly reports—Tax refund procedures—Bond requirements—Payment of tax.
WAC 314-20-040	Beer in transit stamps—General.
WAC 314-20-060	Beer distributors and importers—Reports—Stamps.

**PROPOSED**

- WAC 314-20-150 Beer importers—Responsibility—Taxes—Stamps.
- WAC 314-20-180 Partial beer tax exemption.
- WAC 314-24-095 Fortified wine—Exception to definition when affidavit on file.
- WAC 314-24-110 Domestic wineries, wine distributors, wine importers—Monthly reports—Bonds required—Payment of tax.
- WAC 314-26-010 Procedures for tax refunds.

PROPOSED

## WSR 00-09-025

## EXPEDITED ADOPTION

## DEPARTMENT OF ECOLOGY

[Order 00-07—Filed April 12, 2000, 4:18 p.m.]

Title of Rule: Chapter 173-245 WAC, Submission of plans and reports for construction and operation of combined sewer overflow reduction facilities.

Purpose: This chapter establishes a procedure and criteria for implementing RCW 90.48.480, which applies to municipalities and requires the "greatest reasonable reduction of combined sewer overflows at the earliest possible date."

Statutory Authority for Adoption: RCW 90.48.480.

Statute Being Implemented: RCW 90.48.480.

Summary: This amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without changing its effect.

Reasons Supporting Proposal: To comply with executive order on regulatory improvement, this amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without changing its effect.

Name of Agency Personnel Responsible for Drafting: Kathy Carpenter, Headquarters, Olympia, (360) 407-6216; Implementation and Enforcement: Megan White, Headquarters, Olympia, (360) 407-6405.

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: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

## NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY June 19, 2000.

April 10, 2000  
Daniel J. Silver  
Deputy Director

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-010 Purpose and scope.** This chapter establishes a procedure and criteria for implementing RCW 90.48.480, which requires "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." It

applies to municipalities whose sewer system includes combined sewer overflow (CSO) sites.

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-015 General requirements.** (1) All CSO sites shall achieve and at least maintain the greatest reasonable reduction, and neither cause violations of applicable water quality standards, nor restrictions to the characteristic uses of the receiving water, nor accumulation of deposits which: (a) Exceed sediment criteria or standards; or (b) have an adverse biological effect.

(2) This chapter (~~shall~~) may not negate specific CSO reduction projects, programs, and schedules (~~which~~) that the department and a municipality have agreed upon (~~prior to~~) before this chapter's effective date. However, the provisions of this chapter shall still apply.

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-020 Definitions.** As used in this chapter:

(1) "At-site treatment" means treatment and discharge of combined sewage at the CSO site.

(2) "Baseline annual CSO volume and frequency" means the annual CSO volume and frequency (~~which~~) that is estimated to occur based upon the existing sewer system and the historical rainfall record.

(3) "Best management practices" means use of those practices which will best reduce the amount of pollution caused by nonpoint sources so that pollutant loadings in combined and storm sewer flows during rainfall events are minimized.

(4) "Combined sewage" means the mixture of sanitary sewage, infiltration, and inflow.

(5) "Combined sewer" means a sewer (~~which~~) that has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

(6) "Combined sewer overflow (CSO)" means (a) 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 either the treatment plant or the combined sewer is exceeded.

(7) "CSO reduction plan" means a comprehensive plan for attaining the greatest reasonable reduction of (~~CSO's~~) CSOs at the earliest possible date. The requirements for a CSO reduction plan are as further described in this chapter.

(8) "Department" means the department of ecology.

(9) "Disinfection" means the selective destruction of disease-causing and bacterial indicator group organisms.

(10) "Domestic wastewater facilities" means any CSO treatment(~~f~~) or control facility included under the definition of domestic wastewater facilities as defined in chapter 173-240 WAC.

(11) "In-line storage" means storage of sewage within the sewer pipes through the use of regulators and gates.

(12) "Infiltration" means the addition of ground water into a sewer through joints, the sewer material, cracks, and other defects.

(13) "Inflow" means the addition of rainfall-caused surface water drainage from roof drains, yard drains, basement drains, street catch basins, etc., into a sewer.

(14) "NPDES" means the National Pollutant Discharge Elimination System.

(15) "Off-line storage" means storage of sewage adjacent to the sewer pipe in a tank or other storage device.

(16) "Primary treatment" means any process ~~((which))~~ that removes at least fifty percent of the total suspended solids from the waste stream, and discharges less than 0.3 ml/l/hr. of settleable solids.

(17) "Sanitary sewer" means a sewer ~~((which))~~ that is designed to convey sanitary sewage and infiltration.

(18) "Sanitary sewage" means the mixture of domestic, commercial, and industrial wastewaters.

(19) "Secondary treatment" means any process ~~((which))~~ that achieves the requirements of 40 CFR Part 133 as supplemented by state ~~((regulation))~~ rule and guidance.

(20) "Storm sewer" means a sewer ~~((which))~~ that is designed to convey surface water drainage caused by rainfall.

(21) "Storm sewer/sanitary sewer separation" means construction of new storm sewers or new sanitary sewers so that sanitary sewage and surface drainage are conveyed in different sewers.

(22) "The greatest reasonable reduction" means control of each CSO in such a way that an average of one untreated discharge may occur per year.

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

**AMENDATORY SECTION** (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-030 Submission of plans.** Municipalities shall:

(1) Obtain the approval of the department for CSO reduction plans by January 1, 1988. This deadline may be extended by the department ~~((;))~~ when that authority is granted.

(2) Submit plans to the department at least sixty days ~~((prior to))~~ before the time approval is desired.

(3) Incorporate CSO reduction plans into their respective general sewer plans and into plans for new or upgraded sewage treatment facilities.

**AMENDATORY SECTION** (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-040 CSO reduction plan.** (1) The CSO reduction plan ~~((shall))~~ must be sufficiently complete so that plans and specifications can be developed from it for projects ~~((which))~~ that may proceed into design within two years of plan submittal. Sufficient detail of any remaining projects ~~((shall))~~ must be provided ~~((such))~~ so that detailed engineering reports can be prepared in the future.

(2) CSO reduction plans shall include the following information together with any other relevant data as requested by the department.

(a) Documentation of CSO activity. Municipalities shall complete a field assessment and mathematical modeling study to establish each CSO's location, baseline annual frequency, and baseline annual volume; to characterize each discharge; and to estimate historical impact by:

(i) Flow monitoring and sampling ~~((CSO's))~~ CSOs. Monitoring and sampling at one or more CSO sites in a group ~~((which))~~ that are in close proximity to one another ~~((shall be))~~ is sufficient if the municipality can establish a consistent hydraulic and pollutant correlation between ~~((f))~~ or among the group of CSO sites. Sampling may not be required for CSO sites ~~((which))~~ that serve residential basins; and

(ii) Developing a rainfall/stormwater runoff/CSO model to simulate each CSO site's activity; and

(iii) Verifying the model's accuracy with data collected under (a)(i) of this subsection; and

(iv) In circumstances where an historical impact may be discernible, observing and sampling the receiving water sediments adjacent to each CSO site or group of sites to establish the presence and extent of any bottom deposits; and

(v) If the sewer service area upstream of a CSO site includes sanitary sewer sources other than domestic sewage, samples of the sediment deposits shall receive heavy metal analysis and organic pollutant screening. Pending review of results of these analyses, the department may require additional pollutant analyses. If two or more CSO sites serve the same industrial/commercial sources, sediment sampling adjacent to one representative CSO site may suffice.

(b) ~~((Analysis of control/treatment alternatives. Treatment/control alternatives.))~~ To achieve the greatest reasonable reduction at each CSO site, ~~((which))~~ control/treatment alternatives that shall receive consideration include, but are not limited to:

(i) Use of best management practices, sewer use ordinances, pretreatment programs, and sewer maintenance programs to reduce pollutants, reduce infiltration, and delay and reduce inflow; and

(ii) In-line and off-line storage with at least primary treatment and disinfection at the secondary sewage treatment facility ~~((which))~~ that is served by the combined sewer; or

(iii) Increased sewer capacity to the secondary sewage treatment facility ~~((which))~~ that shall provide at least primary treatment and disinfection; or

(iv) At-site treatment equal to at least primary treatment, and adequately offshore submerged discharge. At-site treatment may include a disinfection requirement at CSO sites ~~((which))~~ that are near or impact water supply intakes, potentially harvestable shellfish areas, and primary contact recreation areas; or

(v) Storm sewer/sanitary sewer separation.

(c) Analysis of selected treatment/control projects. Municipalities shall ~~((do))~~ conduct an assessment of the treatment/control project or combination of projects proposed for each CSO site. The assessment shall include:

(i) An estimation of the water quality and sediment impacts of any proposed treated discharge using existing background receiving water quality data, and estimated dis-

charge quality and quantity. The department may require a similar analysis for proposed storm sewer outfalls for basins ~~((which))~~ that drain industrial and/or commercial areas; and

(ii) An estimation of the selected projects' impacts on the quality of effluent from and operation of a municipality's secondary sewage treatment facility. During wet weather flow conditions, a municipality shall maximize the rate and volume of flows transported to its secondary sewage treatment facility for treatment. However, ~~((such))~~ those flows ~~((shall))~~ must not cause the treatment facility to exceed the pollutant concentration limits in its NPDES permit; and

(iii) The estimated construction and operation and maintenance costs of the selected projects; and

(iv) The general locations, descriptions, basic design data, sizing calculations, and schematic drawings of the selected projects and descriptions of operation to demonstrate technical feasibility; and

(v) An evaluation of the practicality and benefits of phased implementation; and

(vi) A statement regarding compliance with the State Environmental Policy Act (SEPA).

(d) Priority ranking. Each municipality shall propose a ranking of its selected treatment/control projects. The rankings ~~((shall))~~ must be developed considering the following criteria:

(i) Highest priority ~~((shall))~~ must be given to reduction of ~~((CSOs which))~~ CSOs that discharge near water supply intakes, public primary contact recreation areas, and potentially harvestable shellfish areas;

(ii) A cost-effectiveness analysis of the proposed projects. This can include a determination of the monetary cost per annual mass pollutant reduction, per annual volume reduction, and/or per annual frequency reduction achieved by each project;

(iii) Documented, probable, and potential environmental impacts of the existing CSO discharges.

(e) Municipalities shall propose a schedule for achieving "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." (RCW 90.48.480.) If the agreed upon schedule exceeds five years, municipalities shall propose an initial five-year program of progress towards achieving the greatest reasonable reduction. Factors ~~((which))~~ that municipalities and the department shall use to determine compliance schedules shall include but not be limited to:

(i) Total cost of compliance;

(ii) Economic capability of the municipality;

(iii) Other recent and concurrent expenditures for improving water quality; and

(iv) The severity of existing and potential environmental and beneficial use impacts.

**AMENDATORY SECTION** (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-050 Plans and specifications.** (1) The plans and specifications for a domestic wastewater facility are the detailed construction documents by which the owner or his or her contractor bid and construct the facility. The content and format of the plans and specifications ~~((shall))~~

must be as stated in the state of Washington, "Criteria for sewage works design," and shall include a ~~((listing))~~ list of the facility design criteria and a plan for interim operation of facilities during construction.

(2) Plans and specifications for sewer line extensions shall include, as a separate report, an analysis of the existing collection and treatment ~~((systems))~~ system's ability to transport and treat additional flow and loading.

(3) Two copies of the plans and specifications ~~((shall))~~ must be submitted to the department for approval ~~((prior to))~~ before the start of construction, ~~((excepting))~~ except as waived under WAC 173-240-030(5). (See also, WAC 173-240-070.)

**AMENDATORY SECTION** (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-055 Construction quality assurance plan.** (1) ~~((Prior to))~~ Before construction, a detailed plan must be submitted to the department showing how adequate and competent construction inspection will be provided.

(2) The construction quality assurance plan shall include:

(a) Construction schedule with a summary of planned construction activities, their sequence, interrelationships, durations, and terminations.

(b) Description of the construction management organization, management procedures, lines of communication, and responsibility.

(c) Description of anticipated quality control testing including type of test, frequency, and who will perform the tests.

(d) Description of the change order process ~~((including))~~ that includes who will initiate change orders, as well as who will review, negotiate, and approve change orders.

(e) Description of the technical records handling methodology ~~((including))~~ that includes where plans and specifications, as-built drawings, field orders, and change orders will be kept.

(f) Description of construction inspection program ~~((including))~~ that includes inspection responsibility, anticipated inspection frequency, deficiency resolution, and inspector qualifications. (See also, WAC 173-240-075.)

**AMENDATORY SECTION** (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-060 Operation and maintenance manual.** (1) The proposed method of operation and maintenance of the domestic wastewater facility ~~((shall))~~ must be stated in the engineering report or plans and specifications and must be approved by the department. The statement ~~((shall))~~ must be a discussion of who will own, operate, and maintain the facility and what the staffing and testing requirements are. The owner shall follow the approved method of operation after the facility is constructed, unless changes have been approved by the department.

(2) In those cases where the facility includes mechanical components, a detailed operation and maintenance manual ~~((shall))~~ must be prepared ~~((prior to completion of))~~ before

completing the construction. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions. Two copies of the manual ((shall)) must be submitted to the department for approval ((prior to completion of)) before completing the construction.

(3) In order to assure proper operation during construction and timely review and approval of the final operation and maintenance manual, a draft manual ((shall)) must be submitted in the early stages of the construction of a facility. In addition, manufacturer's information on equipment must be available to the plant operator ((prior to)) before unit start-up.

(4) The operation and maintenance manual shall include the following list of topics. For those projects funded by the environmental protection agency the manual shall also follow the requirements of the EPA publication, *Considerations for Preparation of Operation and Maintenance Manuals.*

(a) The assignment of managerial and operational responsibilities ((to include)), including plant classification and classification of required operators.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, ((including)) which includes function, relationship to other plant units, and schematic diagrams.

(e) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(f) A discussion of how the treatment facilities are to be operated during anticipated maintenance procedures, and under less than design loading conditions, if applicable, such as initial loading on a system designed for substantial growth.

(g) A section on laboratory procedures ((including)) that includes sampling techniques, monitoring requirements, and sample analysis.

(h) Recordkeeping procedures and sample forms to be used.

(i) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(j) A section on safety.

(k) A section stating the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(l) Emergency plans and procedures.

(5) In those cases where the facility does not include mechanical components, an operation and maintenance manual, which may be less detailed than that described in subsection (4) of this section, ((shall)) must be submitted to the department for approval ((prior to completion of)) before completing the construction. The manual shall fully describe the treatment and disposal system and outline routine maintenance procedures needed for proper operation of the system. (See also, WAC 173-240-080.)

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-070 Declaration of construction completion.** (1) Within thirty days ((following acceptance by)) after the owner ((of)) accepts the construction or modification of a domestic wastewater facility, the professional engineer in responsible charge of inspection of the project shall submit to the department (a) one complete set of record drawings or ((as-built)) as-built drawings (b) a declaration stating the facilities were constructed in accordance with the provisions of the construction quality assurance plan and without significant change from the department approved plans and specifications.

(2) The declaration will be furnished by the department and will be the same form as WAC 173-245-075, declaration of construction of water pollution control facilities. The submission of the declaration is not necessary for sewer line extensions where the local government entity has received approval of a general sewer plan and standard design criteria. (See also, WAC 173-240-090.)

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-075 Form—Declaration of construction of water pollution control facilities.**

DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

Instructions:

- A. Upon completion, and ((prior to the use of)) before using any project or portions thereof, a professional engineer shall complete and sign this form, declaring that the project was constructed in accordance with the provisions of the construction quality assurance plan and with the plans and specifications and major change orders approved by the department of ecology.
- B. If a project is being completed in phased construction, a map ((shall)) must be attached showing that portion of the project to which the declaration applies. A declaration of construction must be submitted for each phase of a project as it is completed. Additional declaration forms are available upon request from the department of ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT: .....

.....

.....

NAME OF OWNER ..... DOE PROJECT NO. ....

ADDRESS ..... DATE PROJECT OR  
PHASE COMPLETED .....

CITY .....STATE ..... ZIP .....

DOE PLAN AND  
SPECIFICATION  
APPROVAL DATE .....

EXPEDITED ADOPTION

I hereby declare that I am the project engineer of the above identified project and that ((said)) this project was reviewed and observed by me or my authorized agent in accordance with the provisions of the construction quality assurance plan. I further declare that ((said)) this project was, to the best of my knowledge and information, constructed and completed in accordance with the plans and specification and major change orders approved by the department of ecology and as shown on the owner's "as-built" plans.

..... SEAL  
Signature of Professional Engineer  
OF  
DATE ..... ENGINEER

Please return completed form to the department of ecology office checked below.

- |   |   |
|---|---|
| <input type="checkbox"/> SW Regional Office<br>Department of Ecology<br>((Mail stop LU-11<br>7272 Cleanwater Lane))<br>P.O. Box 47600<br>Olympia, WA 98504-7600                           | <input type="checkbox"/> Central Regional Office<br>Department of Ecology<br>((3601 W. Washington))<br><u>15 W. Yakima Ave.</u><br><u>Ste. 200</u><br>Yakima, WA ((98903))<br><u>98902-3401</u>       |
| <input type="checkbox"/> NW Regional Office<br>Department of Ecology<br>((4350 150th Ave. NE<br>Redmond, WA 98052))<br><u>3190 160th Ave. SE</u><br><u>Bellevue, WA 98008-5452</u>        | <input type="checkbox"/> Eastern Regional Office<br>Department of Ecology<br>((East 103 Indiana Ave.))<br><u>N. 4601 Monroe St.,</u><br><u>Ste. 100</u><br>Spokane, WA ((99207))<br><u>99205-1295</u> |
| <input type="checkbox"/> ((Municipal Division))<br><u>Water Quality Program</u><br>Department of Ecology<br>((PV-11)) <u>P.O. Box 47600</u><br>Olympia, WA ((98503))<br><u>98504-7611</u> |   |

(See also, WAC 173-240-095.)

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-080 Requirement for certified operator.** Each owner of a domestic wastewater treatment facility is required by chapter 70.95B RCW to have an operator, certified by the state, in responsible charge of the day to day operation of the facility. This requirement does not apply to a septic tank ((utilizing)) using subsurface disposal. The certification procedures are set forth in chapter 173-230 WAC. (See also, WAC 173-240-100.)

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-084 Ownership and operation and maintenance.** (1) Except as provided in subsections (2) and (3) of this section, domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity ((except as provided in subsections (2) and (3) of this section)). If a waste discharge permit is required it must be issued to the public entity. Nothing herein precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines ((such)) the ownership is in the public interest((:)); Provided, That there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan ((which)) that will assure immediate assumption of the system under the following conditions:

- (a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or
- (b) If such an assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

- (a) Those facilities existing or approved for construction as of the effective date of this section, until such a time as the facility is expanded to accommodate additional development.
- (b) Those facilities ((that)) which serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section. (See also, WAC 173-240-104.)

AMENDATORY SECTION (Amending Order DE 86-34, filed 1/27/87)

**WAC 173-245-090 Schedule updates—Monitoring—Reporting.** (1) By the anniversary date of its sewage treatment plant NPDES permit, in conjunction with its annual assessment for prevention of facilities overloading where applicable, a municipality shall submit an annual CSO report to the department for review and approval ((which)) that:

(a) Details the past year's frequency and volume of combined sewage discharged from each CSO site, or group of CSO sites in close proximity. Field monitoring ((shall be)) is necessary to estimate these parameters. The report shall indicate whether a CSO site or group of sites has increased over the baseline annual condition. If any increase has occurred, the municipality shall propose a project and schedule to reduce that CSO site or group of sites to or below its baseline condition;

(i) When a CSO site has been reduced to an average of one overflow per year through use of storage or separation, the department may consider reducing the monitoring requirement to frequency verification;

EXPEDITED ADOPTION

(ii) If the selected CSO control project is at-site treatment and discharge, the department may issue a modification to the applicable sewage treatment plant permit or issue a separate NPDES permit for that discharge. The permit or permit modification (~~shall~~) must include effluent limits, flow capacity limits, and reporting requirements. The total treated and untreated annual discharge from an at-site treatment plant (~~shall~~) may not increase above the baseline annual;

(b) Explains the previous year's CSO reduction accomplishments; and

(c) Lists the projects planned for the next year.

(2) In conjunction with its application for renewal of its applicable NPDES permit, the municipality shall submit an amendment to its CSO reduction plan. The amendment shall include:

(a) An assessment of the effectiveness of the CSO reduction plan to date; and

(b) A reevaluation of the CSO sites' project priority ranking; and

(c) A (~~listing~~) list of projects to be accomplished in the next five years, based upon priorities and estimated revenues. The department of ecology may incorporate such a schedule into an administrative order or the applicable NPDES permit.

#### WSR 00-09-089

#### EXPEDITED ADOPTION

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed April 19, 2000, 8:43 a.m.]

Title of Rule: Family child day care minimum licensing requirements, chapter 388-155 WAC.

Purpose: To provide minimum licensing requirements for family child care homes. February 24, 2000, thirty-eight WACs of chapter 388-155 WAC were amended. All were changed, in compliance with the governor's order to simplify and clarify, to say "must" instead of "shall." This expedited adoption will change "shall" to "must" in the other WAC in chapter 388-155 WAC. This will create a smoother and clearer document. Add area code to WAC 388-155-270 (6)(c).

Other Identifying Information: Change "shall" to "must" in WAC 388-155-020, 388-155-040, 388-155-050, 388-155-060, 388-155-085, 388-155-090, 388-155-092, 388-155-093, 388-155-094, 388-155-095, 388-155-098, 388-155-160, 388-155-190, 388-155-330, 388-155-370, 388-155-380, 388-155-420, 388-155-480, 388-155-605, 388-155-610, 388-155-620, 388-155-630, 388-155-640, 388-155-650, 388-155-660, 388-155-670, 388-155-680; add area code in WAC 388-155-270 (6)(c) (inadvertently omitted).

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: WACs cited above will have the word "shall" changed to "must" throughout. This will make the intent more clear. Area code that was inadvertently omitted will be added.

Reasons Supporting Proposal: Governor's Initiative to clarify and simplify rules.

Name of Agency Personnel Responsible for Drafting: Leslie Edwards-Hill, 14th and Jefferson, Olympia, Washington 98504-5700, (360) 902-8041; Implementation and Enforcement: Office of Care Policy, 14th and Jefferson, Olympia, Washington 98504-5700, (360) 902-8041.

Name of Proponent: Office of Child Care Policy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The word "shall" will be changed to "must" throughout the text, which will clarify the intent of the rule. This is also in conformity with the clear rule writing style and principles. It will be easier for providers to understand that rules with "must" are mandatory. Area code that was omitted will be added so that providers can utilize the phone number.

Proposal Changes the Following Existing Rules: This changes existing rules by adding an area code which was omitted inadvertently in the adopted rules. The word "shall" will be changed to "must" throughout the text, which will clarify the intent of the rule.

#### 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 Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850, fax (360) 664-6185, AND RECEIVED BY July 5, 2000.

April 14, 2000

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 00-10 issue of the Register.



**WSR 00-08-078**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 4, 2000, 10:24 a.m., effective July 1, 2000]

Date of Adoption: April 4, 2000.

Purpose: Chapter 296-24 WAC, General safety and health standards and chapter 296-155 WAC, Safety standards for construction work.

Topic: Scaffold use in general industry.

State-initiated proposed amendments are made to replace the scaffold requirements in chapter 296-24 WAC with the recently adopted requirements on scaffold use located in chapter 296-155 WAC. The scaffolding requirements in chapter 296-24 WAC are out of date and, at some points, inconsistent with the updated scaffold standard in chapter 296-155 WAC. The current requirements in chapter 296-155 WAC are federal-initiated changes that were published in Federal Register Volume 61, Number 170, dated August 30, 1996, and Federal Register Volume 61, Number 228, dated November 25, 1996. WISHA adopted these changes along with minor state-initiated changes on February 13, 1998.

This proposal is one of the projects identified in the Governor's Executive Order 97-02 on regulatory reform to determine to what extent the two sections could be reconciled.

Following are the specific state-initiated adopted changes made in each section:

**AMENDED PARTS:**

**Chapter 296-24 WAC, Part J-1, Working surfaces, guarding floors and wall openings, ladders, scaffolds.**

- Deleted the word "scaffolds" from this title.

**Chapter 296-24 WAC, Part J-2, Powered platforms, etc.**

- Renamed this part "Scaffolds."

**Chapter 296-155 WAC, Part U, Power distribution and transmission lines.**

- Corrected a reference.

**AMENDED SECTIONS:**

**WAC 296-24-14519 Boatswain's chairs.**

- Deleted the requirements in this section and placed a reference indicating all requirements relating to boatswain's chair must be followed in accordance to Part J-2 of this chapter.

**WAC 296-24-23027 Powered industrial truck operations.**

- Correcting a reference to personal fall arrest systems that will be made as part of the new powered industrial truck rule that will be adopted on December 21, 1999.

**WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms.**

- Corrected references.

**WAC 296-24-900 Manlifts.**

- Moved this section into the new Part J-3 for better organization of information.

**WAC 296-24-90001 Definitions.**

- Moved this section into the new Part J-3 for better organization of information.

- Deleted the numbering of definitions.

**WAC 296-24-90003 General requirements.**

- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.

**WAC 296-24-90005 Mechanical requirements.**

- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.

**WAC 296-24-90007 Operating rules.**

- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.

**WAC 296-24-90009 Periodic inspection.**

- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.

**WAC 296-155-110 Accident prevention program.**

- Added the word "initial" where it relates to performing "initial" job assignments in a safe manner. This language is needed for the state standard to be at least as effective as the federal standard. It is current language used in other state standards.

**NEW PART:**

**Chapter 296-24 WAC, Part J-3, Powered platforms.**

- Created a new part to incorporate all powered platform requirements.

**NEW SECTIONS:**

**WAC 296-24-860 Scaffolds.**

- Moved this section into the existing Part J-2.
- Insert the "scope and application" in this section.
- Indicate the requirements for crane or derrick suspended personnel platforms are located in chapter 296-24 WAC, Part D, Cranes, derricks, hoists, elevators, and conveyors.
- Add four sentences to specify where requirements for manually propelled elevating work platforms, self-propelled elevating work platforms, boom supported elevating work platforms, and aerial lifts are located in chapter 296-24 WAC.

**WAC 296-24-86005 Definitions applicable to this part.**

- Moved this section into the existing Part J-2.
- Added definitions for the following terms: Adjustable suspension scaffold, body belt, body harness, catenary scaffold, chimney hoist, cleat, competent person, continuous run scaffold (run scaffold), coupler, deceleration device, equivalent, exposed power lines, eye or eye splice, fabricated decking and planking, failure, falling object protection, form scaffold, guardrail system, hoist, independent pole scaffold, ladder stand, landing, large area scaffold, lean-to scaffold, lifeline, lower levels, masons' adjustable supported scaffold, mobile scaffold, multi-level suspended scaffold, multi-point adjustable suspension scaffold, open sides and ends, outrigger, outrigger beam (thrustout), overhand brick-laying, personal fall arrest system, platform, pole scaffold, power operated hoist, pump jack scaffold, quali-

fied, rated load, repair bracket scaffold, ribbon, roof bracket scaffold, self-contained adjustable scaffold, shore scaffold, stair tower (scaffold stairway/tower), stall load, step, platform, and trestle ladder scaffold, stilts, supported scaffold, suspension scaffold, system scaffold, tank builders' scaffold, top plate bracket scaffold, unstable objects, vertical pickup and walkway.

- Incorporated the following definitions from the existing WAC 296-24-84001: Climbing ladder, design working load, handrail, mobile, mobile work platform, tubular welded sectional folding scaffold and work level.
- Modified definitions for the following terms: Bearer, boatswains' chair, brace, bricklayers' square scaffold, carpenters' bracket scaffold, coupler, crawling board (chicken ladder), double pole (independent pole) scaffold, float (ship) scaffold, guardrail, horse scaffold, interior hung scaffold, ladder jack scaffold, ledger, masons' multi-point adjustable suspension scaffold, maximum intended load, needle beam scaffold, outrigger scaffold, putlog, runner, scaffold, single-point adjustable suspension scaffold, single pole scaffold, stonemasons' adjustable multiple-point suspension scaffold, toeboard, tube and coupler scaffold, tubular welded frame scaffold, two-point suspension scaffold (swing stage) and window jack scaffold.
- Deleted definitions for the following terms: Heavy duty scaffold, light duty scaffold, manually propelled mobile scaffold, medium duty scaffold, mid-rail, roofing bracket and working load.

#### **WAC 296-24-86010 General requirements.**

- Moved this section into the existing Part J-2.
- Require scaffolds be constructed in accordance with a design by a qualified person.
- Clarify design, capacity, and construction requirements for scaffolds, their components and associated hardware, connections, and hoists.
- Establish and clarify requirements for scaffold platform construction including:
  - Planking
  - Width
  - Distance from the work face
  - Relation to support members
  - Coating
  - Intermixing of components
- Clarified requirements for preventing displacement of supported scaffolds.
- Clarified requirements for components of suspension scaffolds and their supports.
- Clarified requirements for scaffold access use, components and installation including: Ladders, stairway type ladders, staintowers, ramps and walkways, access frames, and direct access for all workers on scaffolds - including erectors and dismantlers.
- Require inspection for defects by a competent person before each work shift and after any potentially weakening event.
- Clarified minimum clearance distances between scaffolds and power lines.
- Require scaffolds be erected, moved, dismantled, or altered only by experienced and trained employees

under the supervision and direction of a competent person qualified in scaffold erection.

- Prohibit work on a scaffold covered with slippery materials.
- Require protection of suspension ropes.
- Prohibit use of makeshift devices to increase working height on scaffold platforms.
- Established requirements for use of ladders on large area scaffolds.
- Established precaution requirements to be followed when employees are welding from suspended scaffolds.
- Established and clarified fall protection requirements and protection system specifications for all employees on scaffolds - including erectors and dismantlers.
- Established falling object protection requirements and protective system specifications.
- Indicate where criteria for aerial lifts are located.
- Added four sentences to indicate where requirements for manually propelled elevating work platforms, self-propelled elevating work platforms, boom supported elevating work platforms, and aerial lifts are located in chapter 296-24 WAC.
- Added a sentence referencing fall protection requirements.
- Added a sentence at the end of subsection (7)(b) which requires maximum feasible fall protection be used.
- Require that the planking needed on platforms, which are used solely as walkways or for erection or dismantling, is dictated by safe working condition needs.

#### **WAC 296-24-86015 Additional requirements applicable to specific types of scaffolds.**

- Moved this section into the existing Part J-2.
- Adopted amendments are made to establish and clarify specifications and additional requirements for construction, components, and use of:
- Pole scaffolds - including the registered professional engineer design requirement if the pole scaffold is more than sixty feet tall.
  - Tube and coupler scaffold.
  - Fabricated frame scaffolds.
  - Plasterers', decorators' and large area scaffolds.
  - Bricklayers' square scaffolds.
  - Horse scaffolds.
  - Form scaffolds and carpenters' bracket scaffolds.
  - Roof bracket scaffolds.
  - Outrigger scaffolds, including the requirement for its design by a registered professional engineer.
  - Pump jack scaffolds.
  - Ladder jack scaffolds.
  - Window jack scaffolds.
  - Crawling boards.
  - Step, platform, and trestle ladder scaffolds.
  - Single-point adjustable suspension scaffolds.
  - Two-point adjustable suspension scaffolds.
  - Multi-point adjustable suspension scaffolds.
  - Catenary scaffolds.
  - Float scaffolds.
  - Needle beam scaffolds.
  - Multi-level suspension scaffolds.

- Mobile scaffolds.
- Repair bracket scaffolds.
- Stilts.

#### **WAC 296-24-86020 Training.**

- Moved this section into the existing Part J-2.
- Require hazard recognition and hazard control training for each employee who works while on a scaffold. The training includes electrical, fall, and falling object hazards as well as use, loading and load capacity of the scaffold, in addition to any other pertinent requirements of the standard.
- Require hazard recognition training for any employee erecting, disassembling, moving, operating, repairing, or inspecting a scaffold. The training includes scaffold hazards, correct working procedures, scaffold design and load capacity, and any other pertinent requirements of the standard.
- Require retraining whenever jobsite conditions change or the employer has reason to believe the employee lacks the skill or understanding needed to work safely.

#### **WAC 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers).**

- Moved this section from the existing WAC 296-24-840 for better organization of information.

#### **WAC 296-24-86105 General requirements.**

- Modified the requirements relating to guardrail height from thirty-six inches - forty-two inches to thirty-eight inches - forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84003 for better organization of information.

#### **WAC 296-24-86110 Mobile tubular welded frame scaffolds.**

- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84005 for better organization of information.

#### **WAC 296-24-86115 Mobile tubular welded sectional folding scaffolds.**

- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84007 for better organization of information.

#### **WAC 296-24-86120 Mobile tube and coupler scaffolds.**

- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84009 for better organization of information.

#### **WAC 296-24-86125 Mobile work platforms.**

- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84011 for better organization of information.

#### **WAC 296-24-86130 Mobile ladder stands.**

- Replaced the word "shall" with "must" for consistency.
- Moved this section from the existing WAC 296-24-84013 for better organization of information.

#### **WAC 296-24-862 Nonmandatory appendices.**

- Added Appendix A to Part J-2, scaffold specifications.
- Added Appendix C to Part J-2, list of national consensus standards.

- Added Appendix D to Part J-2, list of training topics for scaffold erectors and dismantlers.
- Added Appendix E to Part J-2, drawings and illustrations.
- This section will be located in the existing Part J-2.

#### **WAC 296-24-875 Elevating work platforms.**

- Added this section into the new Part J-3.
- Incorporated existing requirements relating to manually propelled elevating work platforms from the existing WAC 296-24-885 to this section for better organization of information.
- Modified the requirements relating to guardrail height from thirty-six inches - forty-two inches to thirty-eight inches - forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Update all ANSI references in this section to the most current ANSI edition.

#### **WAC 296-24-87505 Self-propelled elevating work platforms.**

- Added this section into the new Part J-3.
- Incorporated existing requirements relating to self-propelled elevating work platforms from the existing WAC 296-24-885 to this section for better organization of information.
- Modified the requirements relating to guardrail height from thirty-six inches - forty-two inches to thirty-eight inches - forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Update all ANSI references in this section to the most current ANSI edition.

#### **WAC 296-24-87510 Boom supported elevating work platforms.**

- Added this section into the new Part J-3.
- Incorporated existing requirements relating to boom supported elevating work platforms from the existing WAC 296-24-885 to this section for better organization of information.
- Modified the requirements relating to guardrail height from thirty-six inches - forty-two inches to thirty-eight inches - forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Update all ANSI references in this section to the most current ANSI edition.

#### **WAC 296-24-87515 Aerial lifts.**

- Incorporated the existing WAC 296-24-885 Vehicle mounted elevating and rotating aerial devices into this section.
- Indicated the types of devices referred to as "aerial lifts."
- Identify ANSI standards employers must comply with.
- Require a full body harness be worn and a lanyard attached to the ladder rail or tower when working from ladder trucks or tower trucks.
- Establish requirements for extensible and articulating boom platform lifts including:
  - Maintaining insulation.
  - Specific acceptable electrical tests.
- Added this section into the new Part J-3.

**WAC 296-24-880 Power platforms for exterior building maintenance.**

- Moved requirements from the existing WAC 296-24-870 relating to power platforms for exterior building maintenance into this section.
- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.

**WAC 296-24-88005 Definitions.**

- Moved definitions from the existing WAC 296-24-87001 relating to powered platforms into this section.
- Moved this section into the new Part J-3 for better organization of information.
- Deleted the numbering of definitions.
- Modified the definitions of: Competent person, equivalent and rated load for consistency.

**WAC 296-24-88010 Inspections and tests.**

- Moved requirements from the existing WAC 296-24-87009 relating to inspections and tests into this section.
- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.

**WAC 296-24-88015 Powered platforms installations—Affected parts of buildings.**

- Moved requirements from the existing WAC 296-24-87011 relating to powered platform installations - affected parts of buildings into this section.
- Moved this section into the new Part J-3 for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.

**WAC 296-24-88020 Powered platform installations—Equipment.**

- Moved requirements from the existing WAC 296-24-87013 relating to powered platform installations - equipment into this section for better organization of information.
- Modified the requirements relating to guardrail height from thirty-six inches - forty-two inches to thirty-eight inches - forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- This section will be located in the new Part J-3.

**WAC 296-24-88025 Maintenance.**

- Moved requirements from the existing WAC 296-24-87015 relating to maintenance into this section for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- This section will be located in the new Part J-3.

**WAC 296-24-88030 Operations.**

- Moved requirements from the existing WAC 296-24-87017 relating to operations into this section for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- This section will be located in the new Part J-3.

**WAC 296-24-88035 Personal fall protection.**

- Moved requirements from the existing WAC 296-24-87019 relating to personal fall protection into this section for better organization of information.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- This section will be located in the new Part J-3.

**WAC 296-24-88040 Appendix A—Guidelines (advisory).**

- Moved advisory guidelines from the existing WAC 296-24-87031 into this section for better organization of information.
- Corrected references.
- This section will be located in the new Part J-3.

**WAC 296-24-88045 Appendix B—Exhibits (advisory).**

- Moved exhibits from the existing WAC 296-24-87033 relating to illustrations of typical platform stabilization systems into this section for better organization of information.
- This section will be located in the new Part J-3.

**WAC 296-24-88050 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).**

- Moved requirements from the existing WAC 296-24-87035 relating to personal fall arrest systems, into this section for better organization of information.
- Modified the following definitions for consistency: Anchorage, full body harness, buckle, competent person, connector, deceleration device, deceleration distance, equivalent, free fall, free fall distance, lanyard, lifeline, personal fall arrest system, qualified, rope grab, self-retracting lifeline/lanyard, snap-hook and tie-off.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- Clarified language relating to snap-hooks.
- This section will be located in the new Part J-3.

**WAC 296-24-88055 Appendix D—Existing installations (mandatory).**

- Moved requirements from the existing WAC 296-24-87037 relating to existing installations into this section for better organization of information.
- Modified the requirements relating to guardrail height from thirty-six inches to forty-two inches to thirty-eight inches to forty-five inches.
- Replaced the word "shall" with "must" for consistency.
- Corrected references.
- This section will be located in the new Part J-3.

**REPEALED SECTIONS:**

The following sections are repealed to eliminate duplicate scaffolding requirements and incorporate new federal requirements relating to construction recently adopted in WISHA's regulations in WSR 98-05-046.

**WAC 296-24-825 Safety requirements for scaffolding.**

- Moved specific requirements relating to scaffolds to Part J-2.

- **WAC 296-24-82501 Definitions.**
  - Moved definitions relating to scaffolds to WAC 296-24-86005.
- **WAC 296-24-82503 General requirements for all scaffolds.**
  - Moved general requirements relating to scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82505 General requirements for wood pole scaffolds.**
  - Moved general requirements relating to wood pole scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82507 Tube and coupler scaffolds.**
  - Moved requirements relating to tube and coupler scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82509 Tubular welded frame scaffolds.**
  - Moved specific requirements relating to tubular welded frame scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82511 Outrigger scaffolds.**
  - Moved specific requirements relating to outrigger scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82513 Masons' adjustable multiple-point suspension scaffolds.**
  - Moved specific requirements relating to masons' adjustable multiple-point suspension scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82515 Two-point suspension scaffolds (swinging scaffolds).**
  - Moved specific requirements relating to two-point suspension scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82517 Stone setters' adjustable multiple-point suspension scaffolds.**
  - Moved specific requirements relating to stone setters' adjustable multiple-point suspension scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82519 Single-point adjustable suspension scaffolds.**
  - Moved specific requirements relating to single-point adjustable suspension scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82521 Boatswain's chairs.**
  - Moved specific requirements relating to boatswain's chairs to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82523 Carpenters' bracket scaffolds.**
  - Moved specific requirements relating to carpenters' bracket scaffolds to WAC 296-24-86010 and WAC 296-24-86015.
- **WAC 296-24-82525 Bricklayers' square scaffolds.**
  - Moved specific requirements relating to bricklayers' square scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82527 Horse scaffolds.**
  - Moved specific requirements relating to horse scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82529 Needle beam scaffold.**
  - Moved specific requirements relating to needle beam scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82531 Plasterers', decorators', and large area scaffolds.**
  - Moved specific requirements relating to plasterers', decorators', and large area scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82533 Interior hung scaffolds.**
  - Moved specific requirements relating to interior hung scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82535 Ladder-jack scaffolds.**
  - Moved specific requirements relating to ladder-jack scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82537 Window-jack scaffolds.**
  - Moved specific requirements relating to window-jack scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82539 Roofing brackets.**
  - Moved specific requirements relating to roofing brackets to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82541 Crawling boards or chicken ladders.**
  - Moved specific requirements relating to crawling boards or chicken ladders to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82543 Float or ship scaffolds.**
  - Moved specific requirements relating to float or ship scaffolds to WAC 296-24-86010 and 296-24-86015.
- **WAC 296-24-82545 Scope.**
  - Moved the scope and application to WAC 296-24-860.
- **WAC 296-24-840 Manually propelled mobile ladder stands and scaffolds (towers).**
  - Moved requirements relating to manually propelled mobile ladder stands and scaffolds (towers) to WAC 296-24-861.
- **WAC 296-24-84001 Definitions.**
  - Incorporated and moved definitions relating to powered platform type scaffolds to WAC 296-24-86005.
- **WAC 296-24-84003 General requirements.**
  - Moved the general requirements relating to manually propelled mobile ladder stands and scaffolds (towers) to WAC 296-24-86105.
- **WAC 296-24-84005 Mobile tubular welded frame scaffolds.**
  - Moved requirements relating to mobile tubular welded frame scaffolds to WAC 296-24-86110.
- **WAC 296-24-84007 Mobile tubular welded sectional folding scaffolds.**
  - Moved requirements relating to mobile tubular welded sectional folding scaffolds to WAC 296-24-86115.
- **WAC 296-24-84009 Mobile tube and coupler scaffolds.**
  - Moved requirements relating to mobile tube and coupler scaffolds to WAC 296-24-86120.
- **WAC 296-24-84011 Mobile work platforms.**
  - Moved requirements relating to mobile work platforms to WAC 296-24-86125.
- **WAC 296-24-84013 Mobile ladder stands.**
  - Moved requirements relating to mobile ladder stands to WAC 296-24-86130.

**WAC 296-24-870 Power platforms for exterior building maintenance.**

- Moved requirements relating to power platforms for exterior building maintenance to WAC 296-24-880.

**WAC 296-24-87001 Definitions.**

- Moved definitions relating to power platforms to WAC 296-24-88005.

**WAC 296-24-87009 Inspections and tests.**

- Moved requirements relating to inspections and tests to WAC 296-24-88010.

**WAC 296-24-87011 Powered platform installations—Affected parts of buildings.**

- Moved requirements relating to powered platform installations - affected parts of buildings to WAC 296-24-88015 for better organization of information.

**WAC 296-24-87013 Powered platform installations—Equipment.**

- Moved requirements relating to powered platform installations - equipment to WAC 296-24-88020 for better organization of information.

**WAC 296-24-87015 Maintenance.**

- Moved requirements relating to maintenance to WAC 296-24-88025 for better organization of information.

**WAC 296-24-87017 Operations.**

- Moved requirements relating to operations to WAC 296-24-88030 for better organization of information.

**WAC 296-24-87019 Personal fall protection.**

- Moved requirements relating to personal fall protection to WAC 296-24-88035 for better organization of information.

**WAC 296-24-87031 Appendix A—Guidelines (advisory).**

- Moved requirements relating to guidelines to WAC 296-24-88040 for better organization of information.

**WAC 296-24-87033 Appendix B—Exhibits (advisory).**

- Moved requirements relating to illustrations of typical platform stabilization systems to WAC 296-24-88045 for better organization of information.

**WAC 296-24-87035 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).**

- Moved requirements relating to personal fall arrest systems to WAC 296-24-88050 for better organization of information.

**WAC 296-24-87037 Appendix D—Existing installations (mandatory).**

- Moved requirements relating to existing installations to WAC 296-24-88055 for better organization of information.

**WAC 296-24-885 Vehicle-mounted elevating and rotating work platforms.**

- Moved requirements relating to vehicle-mounted elevating and rotating work platforms to WAC 296-24-875 through WAC 296-24-87515.

**WAC 296-24-88501 Definitions.**

- Incorporated these definitions into WAC 296-24-88005.

**WAC 296-24-88503 General requirements.**

- Moved general requirements relating to vehicle-mounted elevating and rotating work platforms to WAC 296-24-875 through WAC 296-24-87515.

**WAC 296-24-88505 Specific requirements.**

- Moved specific requirements relating to vehicle-mounted elevating and rotating work platforms to WAC 296-24-875 through WAC 296-24-87515.

Citation of Existing Rules Affected by this Order:  
Amending parts: Chapter 296-24 WAC, Part J-1 Working surfaces, guarding floors and wall openings, ladders, scaffolds; chapter 296-24 WAC, Part J-2 Powered platforms, etc.; and chapter 296-155 WAC, Part U Power distribution and transmission lines.

Amending sections: WAC 296-24-14519 Boatswain's chairs, 296-24-23027 Powered industrial truck operations, 296-24-23533 Crane and derrick suspended personnel (work) platforms, 296-24-900 Manlifts, 296-24-90001 Definitions, 296-24-90003 General requirements, 296-24-90005 Mechanical requirements, 296-24-90007 Operating rules, 296-24-90009 Periodic inspection, and 296-155-110 Accident prevention program.

Repealing sections: WAC 296-24-825 Safety requirements for scaffolding, 296-24-82501 Definitions, 296-24-82503 General requirements for all scaffolds, 296-24-82505 General requirements for wood pole scaffolds, 296-24-82507 Tube and coupler scaffolds, 296-24-82509 Tubular welded frame scaffolds, 296-24-82511 Outrigger scaffolds, 296-24-82513 Masons' adjustable multiple-point suspension scaffolds, 296-24-82515 Two-point suspension scaffolds (swinging scaffolds), 296-24-82517 Stone setters' adjustable multiple-point suspension scaffolds, 296-24-82519 Single-point adjustable suspension scaffolds, 296-24-82521 Boatswain's chairs, 296-24-82523 Carpenters' bracket scaffolds, 296-24-82525 Bricklayers' square scaffolds, 296-24-82527 Horse scaffolds, 296-24-82529 Needle beam scaffold, 296-24-82531 Plasterers', decorators', and large area scaffolds, 296-24-82533 Interior hung scaffolds, 296-24-82535 Ladder-jack scaffolds, 296-24-82537 Window-jack scaffolds, 296-24-82539 Roofing brackets, 296-24-82541 Crawling boards or chicken ladders, 296-24-82543 Float or ship scaffolds, 296-24-82545 Scope, 296-24-840 Manually propelled mobile ladder stands and scaffolds (towers), 296-24-84001 Definitions, 296-24-84003 General requirements, 296-24-84005 Mobile tubular welded frame scaffolds, 296-24-84007 Mobile tubular welded sectional folding scaffolds, 296-24-84009 Mobile tube and coupler scaffolds, 296-24-84011 Mobile work platforms, 296-24-84013 Mobile ladder stands, 296-24-870 Power platforms for exterior building maintenance, 296-24-87001 Definitions, 296-24-87009 Inspections and tests, 296-24-87011 Powered platform installations—Affected parts of buildings, 296-24-87013 Powered platform installations—Equipment, 296-24-87015 Maintenance, 296-24-87017 Operations, 296-24-87019 Personal fall protection, 296-24-87031 Appendix A—Guidelines (advisory), 296-24-87033 Appendix B—Exhibits (advisory), 296-24-87035 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory), 296-24-87037 Appendix D—Existing installations (mandatory), 296-24-885 Vehicle-

mounted elevating and rotating work platforms, 296-24-88501 Definitions, 296-24-88503 General requirements, and 296-24-88505 Specific requirements.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 00-01-175 on December 21, 1999.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being amended: WAC 296-24-86010 General requirements, subsection (7)(c)(iii), added this item to read, "On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline shall be capable of locking in both directions on the lifeline."

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 30, Amended 13, Repealed 48.

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 30, Amended 13, Repealed 48.

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 30, Amended 13, Repealed 48.

Effective Date of Rule: July 1, 2000.

April 4, 2000

Gary Moore

Director

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-155-110 Accident prevention program.** (1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The department may be contacted for assistance in developing appropriate programs.

(3) The following are the minimal program elements for all employers:

A safety orientation program describing the employer's safety program and including:

(a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of required personal protective equipment.

(d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(4) Each accident-prevention program shall be outlined in written format.

(5) Every employer shall conduct crew leader-crew safety meetings as follows:

(a) Crew leader-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) Crew leader-crew meetings shall be tailored to the particular operation.

(6) Crew leader-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each crew leader-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of crew leader-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the department, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

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(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the department.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

## PART U

### POWER DISTRIBUTION AND TRANSMISSION LINES(~~(reserved)~~)

Refer to chapter ~~((296-44))~~ 296-45 WAC, "Safety standards for electrical ~~((construction work))~~ workers."

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-14519 Boatswain's chairs.** ~~((An employee shall be secured in the boatswain's chair with a safety belt or rope, and shall have a short rope with a sliding hitch between the employee's body or the chair and the hoistline.))~~ The employer must ensure that boatswain's chairs are used in accordance with the requirements of Part J-2, Scaffolds, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 00-01-176, filed 12/21/99, effective 3/1/00)

**WAC 296-24-23027 Powered industrial truck operations.** (1) Powered industrial trucks must not be driven up to anyone in front of a bench or other fixed object.

(2) Employers must not allow people under the elevated portion of any powered industrial truck, whether loaded or empty.

(3) Employers must not allow people to ride on powered industrial trucks unless a safe place to ride is provided.

(4) The employer must prohibit any body part from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means must be fully lowered, controls must be neutralized, power must be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(b) When the operator of a powered industrial truck is dismantled and within 25 feet of the truck, still in view, the load engaging means must be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance must be maintained from the edge of ramps, platforms while on any elevated dock, or platform or freight car. Powered industrial trucks must not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device must require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The powered industrial truck operator must be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) People must stand clear while the door is being moved with a device.

(7) Brakes must be set and wheel blocks must be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars must be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There must be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard must be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension must be used to prevent any part of the load from falling rearward.

(11) Employers must use only approved powered industrial trucks in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls that can be elevated with the lifting carriage or forks for lifting personnel, the following additional precautions must be taken:

(a) A safety platform secured to the lifting carriage and/or forks must be used.

(b) A means must be provided for people on the platform to shut the power off to the truck.

(c) Protection from falling objects as necessary by the operating conditions must be provided.

(13) When using powered industrial trucks (forklifts) as elevated work platforms a platform or structure built specifically for hoisting persons may be used if the following requirements are complied with:

(a) The structure must be securely attached to the forks and must have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system must be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms must be identified as being designed for that purpose.

(c) A safety strap must be installed or the control lever must be locked to prevent the boom from tilting.

(d) An operator must attend the lift equipment while workers are on the platform.

(e) The operator must be in the normal operating position while raising or lowering the platform.

(f) Except when inching or maneuvering the powered industrial truck at a very slow speed, the vehicle must not be moved from point to point while workers are on the platform.

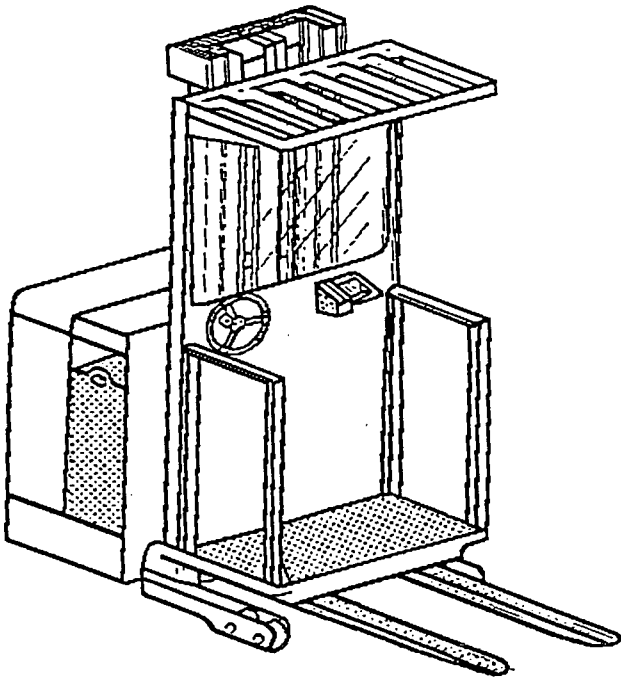


(g) The area between workers on the platform and the mast must be guarded to prevent contact with chains or other shear points.

(14) Access to fire aisles, stairways, and fire equipment must be kept clear.

(15) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

(16) Powered industrial trucks used as order pickers (see Figure 1), that do not have standard guardrails on all open sides, must be equipped with a safety harness, lanyard, and a tie-off point approved by the manufacturer. Fall protection equipment must meet the criteria outlined in WAC ((296-24-87035)) 296-24-88050, Appendix C - personal fall arrest systems.



**AMENDATORY SECTION** (Amending WSR 96-09-030, filed 4/10/96, effective 6/1/96)

**WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms.** (1) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) "Failure" means load refusal, breakage, or separation of components.

(b) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(c) "Load refusal" means the point where the ultimate strength is exceeded.

(d) "Maximum intended load" means the total load of all employees tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(e) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(3) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(4) Operational criteria.

(a) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(b) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 and applying the fifty percent derating of the crane capacity.

(c) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(d) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(e) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(f) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(g) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(h) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(i) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(j) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(k) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device and be securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(d) All eyes in wire rope sling shall be fabricated with thimbles.

(e) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(f) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut, and retaining pin shall be used.

(g) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in ~~((WAC 296-24-75007 and 296-24-82503(31) respectively))~~ Parts J-1 and J-2 of this chapter.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indi-

cates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-24-75007, and shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of ANSI A10.14- 1975.

(j) Box-type platform: The workers lanyard shall be secured to the work platform or guardrail of the work platform.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The side bar or rod shall extend a minimum of eight feet above the floor of the work platform.

(iv) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and prooftesting.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be prooftested to one hundred

twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another prooftest shall be conducted. Personnel hoisting shall not be conducted until the prooftesting requirements are satisfied.

(g) The employer shall retain at the jobsite and produce when requested, documentation such as lift capacity information, verifying that the requirements of this standard have been met.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with those prescribed by the applicable ANSI standard for the type of crane or lift in use unless voice communication equipment is utilized. Signals shall be discernable or audible at all times.

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or overhead ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (4)(i) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new location, and shall be repeated for any employees newly assigned to the operation.

### PART J-1

#### WORKING SURFACES, GUARDING FLOORS AND WALL OPENINGS, LADDERS(~~(, SCAFFOLDS)~~)

##### Working surfaces, ladders, scaffolds

### PART J-2

#### (~~(POWERED PLATFORMS, ETC.)) SCAFFOLDS~~

#### NEW SECTION

**WAC 296-24-860 Scaffolds.** Scope and application. This part applies to all scaffolds used in workplaces covered by this chapter. It does not apply to crane or derrick suspended personnel platforms, which are covered by chapter 296-24 WAC, Part D. The criteria for manually propelled elevating work platforms are set out exclusively in WAC 296-24-875.

The criteria for self-propelled elevating work platforms are set out exclusively in WAC 296-24-87505.

The criteria for boom supported elevating work platforms are set out exclusively in WAC 296-24-87510.

The criteria for aerial lifts are set out exclusively in WAC 296-24-87515.

Additional requirements for forklift supported personnel platforms are set out in WAC 296-24-23027.

#### NEW SECTION

**WAC 296-24-86005 Definitions applicable to this part.** "**Adjustable suspension scaffold**" means a suspension scaffold equipped with a hoist(s) that can be operated by an employee(s) on the scaffold.

"**Bearer (putlog)**" means a horizontal transverse scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

"**Boatswains' chair**" means a single-point adjustable suspension scaffold consisting of a seat or sling designed to support one employee in a sitting position.

"**Body belt (safety belt)**" means a strap with means both for securing it about the waist and for attaching it to a lanyard or lifeline, used only in fall restraint or positioning device systems. A body belt may not be used for fall arrest.

"**Body harness**" means a design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders, with means for attaching it to other components of a personal fall arrest system.

"**Brace**" means a rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

"**Bricklayers' square scaffold**" means a supported scaffold composed of framed squares which support a platform.

"**Carpenters' bracket scaffold**" means a supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

"**Catenary scaffold**" means a suspension scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

"**Chimney hoist**" means a multi-point adjustable suspension scaffold used to provide access to work inside chimneys. (See "multi-point adjustable suspension scaffold.")

"**Cleat**" means a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as crawling boards.

"**Climbing ladder**" means a separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

"**Competent person**" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

"**Continuous run scaffold (run scaffold)**" means a two-point or multi-point adjustable suspension scaffold constructed using a series of interconnected braced scaffold members or supporting structures erected to form a continuous scaffold.

"**Coupler**" means a device for locking together the tubes of a tube and coupler scaffold.

"**Crawling board (chicken ladder)**" means a supported scaffold consisting of a plank with cleats spaced and secured to provide footing, for use on sloped surfaces such as roofs.

"**Deceleration device**" means any mechanism, such as a rope grab, rip-stitch lanyard, specially-woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline lanyard, which dissipates a substantial amount of energy during a fall arrest or limits the energy imposed on an employee during fall arrest.

**"Design working load"** means the maximum intended load, being the total of all loads including the weight of the people, materials, equipment, and platform.

**"Double pole (independent pole) scaffold"** means a supported scaffold consisting of a platform(s) resting on cross beams (bearers) supported by ledgers and a double row of uprights independent of support (except ties, guys, braces) from any structure.

**"Equivalent"** means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

**"Exposed power lines"** means electrical power lines which are accessible to employees and which are not shielded from contact. Such lines do not include extension cords or power tool cords.

**"Eye or eye splice"** means a loop with or without a thimble at the end of a wire rope.

**"Fabricated decking and planking"** means manufactured platforms made of wood (including laminated wood, and solid sawn wood planks), metal or other materials.

**"Fabricated frame scaffold (tubular welded frame scaffold)"** means a scaffold consisting of a platform(s) supported on fabricated end frames with integral posts, horizontal bearers, and intermediate members.

**"Failure"** means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

**"Falling object protection"** means those devices, systems, structures, work practices or other means intended to prevent tools, materials, debris and other objects from falling or to deflect or contain falling objects in order to prevent them striking workers below.

**"Float (ship) scaffold"** means a suspension scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

**"Form scaffold"** means a supported scaffold consisting of a platform supported by brackets attached to formwork.

**"Guardrail system"** means a vertical barrier, consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway to lower levels.

**"Handrail"** means a rail connected to a ladder stand running parallel to the slope and/or top step.

**"Hoist"** means a manual or power-operated mechanical device to raise or lower a suspended scaffold.

**"Horse scaffold"** means a supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

**"Independent pole scaffold"** (see "double pole scaffold").

**"Interior hung scaffold"** means a suspension scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

**"Ladder jack scaffold"** means a supported scaffold consisting of a platform resting on brackets attached to ladders.

**"Ladder stand"** means a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

**"Landing"** means a platform at the end of a flight of stairs.

**"Large area scaffold"** means a pole scaffold, tube and coupler scaffold, systems scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

**"Lean-to scaffold"** means a supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

**"Ledger"** - see runner.

**"Lifeline"** means a component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**"Lower levels"** means areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, materials, water, and equipment.

**"Masons' adjustable supported scaffold"** (see "self-contained adjustable scaffold").

**"Masons' multi-point adjustable suspension scaffold"** means a continuous run suspension scaffold designed and used for masonry operations.

**"Maximum intended load"** means the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

**"Mobile"** means manually propelled.

**"Mobile scaffold"** means a powered or unpowered, portable, caster or wheel-mounted supported scaffold.

**"Mobile work platform"** means generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

**"Multi-level suspended scaffold"** means a two-point or multi-point adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

**"Multi-point adjustable suspension scaffold"** means a suspension scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels. Such scaffolds include chimney hoists.

**"Needle beam scaffold"** means a platform suspended from needle beams.

**"Open sides and ends"** means the edges of a platform that are more than 14 inches (36 cm) away horizontally from a sturdy, continuous, vertical surface (such as a building wall) or a sturdy, continuous horizontal surface (such as a floor), or a point of access. Exception: For plastering and

lathing operations the horizontal threshold distance is 18 inches (46 cm).

**"Outrigger"** means the structural member of a supported scaffold used to increase the base width of a scaffold in order to provide support for and increased stability of the scaffold.

**"Outrigger beam (thrustout)"** means the structural member of a suspension scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

**"Outrigger scaffold"** means a supported scaffold consisting of a platform resting on outrigger beams (thrustouts) projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside the building or structure.

**"Overhand bricklaying"** means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

**"Personal fall arrest system"** means a system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

**"Platform"** means a work surface elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

**"Pole scaffold"** (see definitions for "single-pole scaffold" and "double (independent) pole scaffold").

**"Power operated hoist"** means a hoist which is powered by other than human energy.

**"Pump jack scaffold"** means a supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

**"Putlog"** - see bearer.

**"Qualified"** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

**"Rated load"** means the manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

**"Repair bracket scaffold"** means a supported scaffold consisting of a platform supported by brackets which are secured in place around the circumference or perimeter of a chimney, stack, tank or other supporting structure by one or more wire ropes placed around the supporting structure.

**"Ribbon"** - see runner.

**"Roof bracket scaffold"** means a rooftop supported scaffold consisting of a platform resting on angular-shaped supports.

**"Runner (ledger or ribbon)"** means the lengthwise horizontal spacing or bracing member which may support the bearers.

**"Scaffold"** means any temporary elevated platform (supported or suspended) and its supporting structure (including points of anchorage), used for supporting employees or materials or both.

**"Self-contained adjustable scaffold"** means a combination supported and suspension scaffold consisting of an adjustable platform(s) mounted on an independent supporting frame(s) not a part of the object being worked on, and which is equipped with a means to permit the raising and lowering of the platform(s). Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

**"Shore scaffold"** means a supported scaffold which is placed against a building or structure and held in place with props.

**"Single-point adjustable suspension scaffold"** means a suspension scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

**"Single-pole scaffold"** means a supported scaffold consisting of a platform(s) resting on bearers, the outside ends of which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

**"Stair tower (scaffold stairway/tower)"** means a tower comprised of scaffold components and which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

**"Stall load"** means the load at which the prime-mover of a power-operated hoist stalls or the power to the prime-mover is automatically disconnected.

**"Step, platform, and trestle ladder scaffold"** means a platform resting directly on the rungs of step ladders or trestle ladders.

**"Stilts"** means a pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

**"Stonesetters' multi-point adjustable suspension scaffold"** means a continuous run suspension scaffold designed and used for stonesetters' operations.

**"Supported scaffold"** means one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support.

**"Suspension scaffold"** means one or more platforms suspended by ropes or other nonrigid means from an overhead structure(s).

**"System scaffold"** means a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

**"Tank builders' scaffold"** means a supported scaffold consisting of a platform resting on brackets that are either directly attached to a cylindrical tank or attached to devices that are attached to such a tank.

**"Toeboard"** means a barrier installed at the outermost edge of a walking/working surface to prevent objects from falling onto workers below.

**"Top plate bracket scaffold"** means a scaffold supported by brackets that hook over or are attached to the top of a wall. This type of scaffold is similar to carpenters' bracket scaffolds and form scaffolds and is used in residential construction for setting trusses.

**"Tube and coupler scaffold"** means a supported or suspended scaffold consisting of a platform(s) supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

**"Tubular welded frame scaffold"** (see "fabricated frame scaffold").

**"Tubular welded sectional folding scaffold"** means a sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

**"Two-point suspension scaffold (swing stage)"** means a suspension scaffold consisting of a platform supported by hangers (stirrups) suspended by two ropes from overhead supports and equipped with means to permit the raising and lowering of the platform to desired work levels.

**"Unstable objects"** means items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

**"Vertical pickup"** means a rope used to support the horizontal rope in catenary scaffolds.

**"Walkway"** means a portion of a scaffold platform used only for access and not as a work level.

**"Window jack scaffold"** means a platform resting on a bracket or jack which projects through a window opening.

**"Work level"** means the elevated platform, used for supporting workers and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

#### NEW SECTION

**WAC 296-24-86010 General requirements.** This section does not apply to manually propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-875.

This section does not apply to self-propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87505.

This section does not apply to boom supported elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87510.

This section does not apply to aerial lifts, the criteria for which are set out exclusively in WAC 296-24-87515.

(1) "Capacity."

(a) Except as provided in (b), (c), (d) and (e) of this subsection and subsection (7) of this section, each scaffold and scaffold component must be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.

(b) Direct connections to roofs and floors, and counterweights used to balance adjustable suspension scaffolds, must be capable of resisting at least 4 times the tipping moment imposed by the scaffold operating at the rated load of the hoist, or 1.5 (minimum) times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(c) Each suspension rope, including connecting hardware, used on nonadjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope.

(d) Each suspension rope, including connecting hardware, used on adjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope with the scaffold operating at either the rated load of the hoist, or 2 (minimum) times the stall load of the hoist, whichever is greater.

(e) The stall load of any scaffold hoist must not exceed 3 times its rated load.

(f) Scaffolds must be designed by a qualified person and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with subsection (1) of this section.

(2) "Scaffold platform construction."

(a) Each platform on all working levels of scaffolds must be fully planked or decked between the front uprights and the guardrail supports as follows:

(i) Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) must be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).

(ii) Where the employer makes the demonstration provided for in subsection (2)(a)(i) of this section, the platform must be planked or decked as fully as possible and the remaining open space between the platform and the uprights must not exceed 9 1/2 inches (24.1 cm).

Exception to subsection (2)(a) of this section: The requirement in subsection (2)(a) of this section to provide full planking or decking does not apply to platforms used solely as walkways or solely by employees performing scaffold erection or dismantling. In these situations, only the planking necessary to provide safe working conditions is required. Employees on those platforms must be protected from fall hazards in accordance with subsection (7) of this section.

(b) Except as provided in subsection (2)(b)(i) and (ii) of this section, each scaffold platform and walkway must be at least 18 inches (46 cm) wide.

(i) Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold must be at least

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12 inches (30 cm) wide. There is no minimum width requirement for boatswains' chairs.

(ii) Where scaffolds must be used in areas that the employer can demonstrate are so narrow that platforms and walkways cannot be at least 18 inches (46 cm) wide, such platforms and walkways must be as wide as feasible, and employees on those platforms and walkways must be protected from fall hazards by the use of guardrails and/or personal fall arrest systems.

(c) Except as provided in subsection (2)(c)(i) and (ii) of this section, the front edge of all platforms must not be more than 14 inches (36 cm) from the face of the work, unless guardrail systems are erected along the front edge and/or personal fall arrest systems are used in accordance with subsection (7) of this section to protect employees from falling.

(i) The maximum distance from the face for outrigger scaffolds must be 3 inches (8 cm);

(ii) The maximum distance from the face for plastering and lathing operations must be 18 inches (46 cm).

(d) Each end of a platform, unless cleated or otherwise restrained by hooks or equivalent means, must extend over the centerline of its support at least 6 inches (15 cm).

(e) Unless the platform is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end, the end of a platform must not extend over its support more than:

(i) 12 inches (30 cm) for platforms 10 feet or less in length;

(ii) 18 inches (46 cm) for platforms greater than 10 feet in length.

(f) On scaffolds where scaffold planks are abutted to create a long platform, each abutted end must rest on a separate support surface. This provision does not preclude the use of common support members, such as "T" sections, to support abutting planks, or hook on platforms designed to rest on common supports.

(g) On scaffolds where platforms are overlapped to create a long platform, the overlap must occur only over supports, and must not be less than 12 inches (30 cm) unless the platforms are nailed together or otherwise restrained to prevent movement.

(h) At all points of a scaffold where the platform changes direction, such as turning a corner, any platform that rests on a bearer at an angle other than a right angle must be laid first, and platforms which rest at right angles over the same bearer must be laid second, on top of the first platform.

(i) Wood platforms must not be covered with opaque finishes, except that platform edges may be covered or marked for identification. Platforms may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(j) Scaffold components must not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components must not be modified in order to intermix them unless a qualified person determines the resulting scaffold is structurally sound.

(k) Scaffold components made of dissimilar metals must not be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that required by subsection (1)(a) of this section.

(3) "Criteria for supported scaffolds."

(a) Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) must be restrained from tipping by guying, tying, bracing, or equivalent means, as follows:

(i) Guys, ties, and braces must be installed at locations where horizontal members support both inner and outer legs.

(ii) Guys, ties, and braces must be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4:1 height and be repeated vertically at locations of horizontal members every 20 feet (6.1 m) or less thereafter for scaffolds 3 feet (0.91 m) wide or less, and every 26 feet (7.9 m) or less thereafter for scaffolds greater than 3 feet (0.91 m) wide. The top guy, tie or brace of completed scaffolds must be placed no further than the 4:1 height from the top. Such guys, ties and braces must be installed at each end of the scaffold and at horizontal intervals not to exceed 30 feet (9.1 m) (measured from one end (not both) towards the other).

(b) Ties, guys, braces, or outriggers must be used to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, is applied or is transmitted to the scaffold.

(c) Supported scaffold poles, legs, posts, frames, and uprights must bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs.

(i) Footings must be level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement.

(ii) Unstable objects must not be used to support scaffolds or platform units.

(iii) Unstable objects must not be used as working platforms.

(iv) Front-end loaders and similar pieces of equipment must not be used to support scaffold platforms unless they have been specifically designed by the manufacturer for such use.

(v) Forklifts must not be used to support scaffold platforms unless the entire platform is attached to the fork and the forklift is not moved horizontally while the platform is occupied.

(d) Supported scaffold poles, legs, posts, frames, and uprights must be plumb and braced to prevent swaying and displacement.

(4) "Criteria for suspension scaffolds."

(a) All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, must rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater).



(b) Suspension scaffold outrigger beams, when used, must be made of structural metal or equivalent strength material, and must be restrained to prevent movement.

(c) The inboard ends of suspension scaffold outrigger beams must be stabilized by bolts or other direct connections to the floor or roof deck, or they must have their inboard ends stabilized by counterweights, except masons' multi-point adjustable suspension scaffold outrigger beams must not be stabilized by counterweights.

(i) Before the scaffold is used, direct connections must be evaluated by a competent person who must confirm, based on the evaluation, that the supporting surfaces are capable of supporting the loads to be imposed. In addition, masons' multi-point adjustable suspension scaffold connections must be designed by an engineer experienced in such scaffold design.

(ii) Counterweights must be made of nonflowable material. Sand, gravel and similar materials that can be easily dislocated must not be used as counterweights.

(iii) Only those items specifically designed as counterweights must be used to counterweight scaffold systems. Construction materials such as, but not limited to, masonry units and rolls of roofing felt, must not be used as counterweights.

(iv) Counterweights must be secured by mechanical means to the outrigger beams to prevent accidental displacement.

(v) Counterweights must not be removed from an outrigger beam until the scaffold is disassembled.

(vi) Outrigger beams which are not stabilized by bolts or other direct connections to the floor or roof deck must be secured by tiebacks.

(vii) Tiebacks must be equivalent in strength to the suspension ropes.

(viii) Outrigger beams must be placed perpendicular to its bearing support (usually the face of the building or structure). However, where the employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, the outrigger beam may be placed at some other angle, provided opposing angle tiebacks are used.

(ix) Tiebacks must be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(x) Tiebacks must be installed perpendicular to the face of the building or structure, or opposing angle tiebacks must be installed. Single tiebacks installed at an angle are prohibited.

(d) Suspension scaffold outrigger beams must be:

(i) Provided with stop bolts or shackles at both ends;

(ii) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(iii) Installed with all bearing supports perpendicular to the beam center line;

(iv) Set and maintained with the web in a vertical position; and

(v) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam must be placed directly over the center line of the stirrup.

(e) Suspension scaffold support devices such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices must be:

(i) Made of steel, wrought iron, or materials of equivalent strength;

(ii) Supported by bearing blocks; and

(iii) Secured against movement by tiebacks installed at right angles to the face of the building or structure, or opposing angle tiebacks must be installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit;

(iv) Tiebacks must be equivalent in strength to the hoisting rope.

(f) When winding drum hoists are used on a suspension scaffold, they must contain not less than four wraps of the suspension rope at the lowest point of scaffold travel. When other types of hoists are used, the suspension ropes must be long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist, or the rope end must be configured or provided with means to prevent the end from passing through the hoist.

(g) The use of repaired wire rope as suspension rope is prohibited.

(h) Wire suspension ropes must not be joined together except through the use of eye splice thimbles connected with shackles or coverplates and bolts.

(i) The load end of wire suspension ropes must be equipped with proper size thimbles and secured by eyesplicing or equivalent means.

(j) Ropes must be inspected for defects by a competent person prior to each workshift and after every occurrence which could affect a rope's integrity. Ropes must be replaced if any of the following conditions exist:

(i) Any physical damage which impairs the function and strength of the rope.

(ii) Kinks that might impair the tracking or wrapping of rope around the drum(s) or sheave(s).

(iii) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.

(iv) Abrasion, corrosion, scrubbing, flattening or peening causing loss of more than one-third of the original diameter of the outside wires.

(v) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(vi) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(k) Swaged attachments or spliced eyes on wire suspension ropes must not be used unless they are made by the wire rope manufacturer or a qualified person.

(l) When wire rope clips are used on suspension scaffolds:

(i) There must be a minimum of 3 wire rope clips installed, with the clips a minimum of 6 rope diameters apart;

(ii) Clips must be installed according to the manufacturer's recommendations;

(iii) Clips must be retightened to the manufacturer's recommendations after the initial loading;

(iv) Clips must be inspected and retightened to the manufacturer's recommendations at the start of each workshift thereafter;

(v) U-bolt clips must not be used at the point of suspension for any scaffold hoist;

(vi) When U-bolt clips are used, the U-bolt must be placed over the dead end of the rope, and the saddle must be placed over the live end of the rope.

(m) Suspension scaffold power-operated hoists and manual hoists must be tested by a qualified testing laboratory.

(n) Gasoline-powered equipment and hoists must not be used on suspension scaffolds.

(o) Gears and brakes of power-operated hoists used on suspension scaffolds must be enclosed.

(p) In addition to the normal operating brake, suspension scaffold power-operated hoists and manually operated hoists must have a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: An instantaneous change in momentum or an accelerated overspeed.

(q) Manually operated hoists must require a positive crank force to descend.

(r) Two-point and multi-point suspension scaffolds must be tied or otherwise secured to prevent them from swaying, as determined to be necessary based on an evaluation by a competent person. Window cleaners' anchors must not be used for this purpose.

(s) Devices whose sole function is to provide emergency escape and rescue must not be used as working platforms. This provision does not preclude the use of systems which are designed to function both as suspension scaffolds and emergency systems.

(5) "Access." This paragraph applies to scaffold access for all employees. Access requirements for employees erecting or dismantling supported scaffolds are specifically addressed in (i) of this subsection.

(a) When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface must be used. Crossbraces must not be used as a means of access.

(b) Portable, hook-on, and attachable ladders (additional requirements for the proper construction and use of portable ladders are contained in Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders):

(i) Portable, hook-on, and attachable ladders must be positioned so as not to tip the scaffold;

(ii) Hook-on and attachable ladders must be positioned so that their bottom rung is not more than 24 inches (61 cm) above the scaffold supporting level;

(iii) When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they must have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground;

(iv) Hook-on and attachable ladders must be specifically designed for use with the type of scaffold used;

(v) Hook-on and attachable ladders must have a minimum rung length of 11 1/2 inches (29 cm); and

(vi) Hook-on and attachable ladders must have uniformly spaced rungs with a maximum spacing between rungs of 16 3/4 inches.

(c) Stairway-type ladders must:

(i) Be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level;

(ii) Be provided with rest platforms at 12-foot (3.7 m) maximum vertical intervals;

(iii) Have a minimum step width of 16 inches (41 cm), except that mobile scaffold stairway-type ladders must have a minimum step width of 11 1/2 inches (30 cm); and

(iv) Have slip-resistant treads on all steps and landings.

(d) Stairtowers (scaffold stairway/towers) must be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level.

(i) A stairrail consisting of a top rail and a midrail must be provided on each side of each scaffold stairway.

(ii) The top rail of each stairrail system must also be capable of serving as a handrail, unless a separate handrail is provided.

(iii) Handrails, and top rails that serve as handrails, must provide an adequate handhold for employees grasping them to avoid falling.

(iv) Stairrail systems and handrails must be surfaced to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(v) The ends of stairrail systems and handrails must be constructed so that they do not constitute a projection hazard.

(vi) Handrails and top rails that are used as handrails, must be at least 3 inches (7.6 cm) from other objects.

(vii) Stairrails must be not less than 28 inches (71 cm) nor more than 37 inches (94 cm) from the upper surface of the stairrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(viii) A landing platform at least 18 inches (45.7 cm) wide by at least 18 inches (45.7 cm) long must be provided at each level.

(ix) Each scaffold stairway must be at least 18 inches (45.7 cm) wide between stairrails.

(x) Treads and landings must have slip-resistant surfaces.

(xi) Stairways must be installed between 40 degrees and 60 degrees from the horizontal.

(xii) Guardrails meeting the requirements of subsection (7)(d) of this section must be provided on the open sides and ends of each landing.

(xiii) Riser height must be uniform, within 1/4 inch (0.6 cm) for each flight of stairs. Greater variations in riser height are allowed for the top and bottom steps of the entire system, not for each flight of stairs.

(xiv) Tread depth must be uniform, within 1/4 inch, for each flight of stairs.

(e) Ramps and walkways.

(i) Ramps and walkways 4 feet (1.2 m) or more above lower levels must have guardrail systems which comply with Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders.

(ii) Ramps or walkways must not be inclined more than a slope of one vertical to three horizontal (20 degrees above the horizontal).

(iii) If the slope of a ramp or a walkway is steeper than one vertical in eight horizontal, the ramp or walkway must have cleats not more than 14 inches (35 cm) apart which are securely fastened to the planks to provide footing.

(f) Integral prefabricated scaffold access frames must:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm);

(iii) Not be used as work platforms when rungs are less than 11 1/2 inches in length, unless each affected employee uses fall protection, or a positioning device, which complies with WAC 296-24-88050, Appendix C, Part I;

(iv) Be uniformly spaced within each frame section;

(v) Be provided with rest platforms at 20-foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and

(vi) Have a maximum spacing between rungs of 16 3/4 inches (43 cm). Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed 16 3/4 inches (43 cm).

(g) Steps and rungs of ladder and stairway type access must line up vertically with each other between rest platforms.

(h) Direct access to or from another surface must be used only when the scaffold is not more than 14 inches (36 cm) horizontally and not more than 24 inches (61 cm) vertically from the other surface.

(i) Access for employees erecting or dismantling supported scaffolds must be in accordance with the following:

(i) The employer must provide safe means of access for each employee erecting or dismantling a scaffold where the provision of safe access is feasible and does not create a greater hazard. The employer must have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use a safe means of access. This determination must be based on site conditions and the type of scaffold being erected or dismantled.

(ii) Hook-on or attachable ladders must be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(iii) When erecting or dismantling tubular welded frame scaffolds, (end) frames, with horizontal members that are parallel, level and are not more than 22 inches apart vertically may be used as climbing devices for access, provided they are erected in a manner that creates a usable ladder and provides good hand hold and foot space.

(iv) Cross braces on tubular welded frame scaffolds must not be used as a means of access or egress.

(6) "Use."

(a) Scaffolds and scaffold components must not be loaded in excess of their maximum intended loads or rated capacities, whichever is less.

(b) The use of shore or lean-to scaffolds is prohibited.

(c) Scaffolds and scaffold components must be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(d) Any part of a scaffold damaged or weakened such that its strength is less than that required by subsection (1)(a) of this section must be immediately repaired or replaced, braced to meet those provisions, or removed from service until repaired.

(e) Scaffolds must not be moved horizontally while employees are on them, unless they have been designed by a registered professional engineer specifically for such movement or, for mobile scaffolds, where the provisions of WAC 296-24-86015(23) are followed.

(f) The clearance between scaffolds and power lines must be as follows: Scaffolds must not be erected, used, dismantled, altered, or moved such that they or any conductive material handled on them might come closer to exposed and energized power lines than as follows:

*Insulated Lines		
Voltage	Minimum distance	Alternatives
Less than 300 volts.	3 feet (0.9 m)	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
*300 volts to 50 kv.	10 feet (3.1 m)	
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	
*Uninsulated Lines		
Voltage	Minimum distance	Alternatives
Less than 50 kv . . . .	10 feet (3.1 m).	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	

Exception to (f) of this subsection: Scaffolds and materials may be closer to power lines than specified above where such clearance is necessary for performance of work, and only after the utility company, or electrical system operator, has been notified of the need to work closer and the utility company, or electrical system operator, has deenergized the lines, relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

(g) Scaffolds must be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities must be performed only by experienced and trained employees selected for such work by the competent person.

(h) Employees must be prohibited from working on scaffolds covered with snow, ice, or other slippery material except as necessary for removal of such materials.

(i) Where swinging loads are being hoisted onto or near scaffolds such that the loads might contact the scaffold, tag lines or equivalent measures to control the loads must be used.

(j) Suspension ropes supporting adjustable suspension scaffolds must be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.

(k) Suspension ropes must be shielded from heat-producing processes. When acids or other corrosive substances are used on a scaffold, the ropes must be shielded, treated to protect against the corrosive substances, or must be of a

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material that will not be damaged by the substance being used.

(l) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on the scaffold and those employees are protected by a personal fall arrest system or wind screens. Wind screens must not be used unless the scaffold is secured against the anticipated wind forces imposed.

(m) Debris must not be allowed to accumulate on platforms.

(n) Makeshift devices, such as, but not limited to, boxes and barrels, must not be used on top of scaffold platforms to increase the working level height of employees.

(o) Ladders must not be used on scaffolds to increase the working level height of employees, except on large area scaffolds where employers have satisfied the following criteria:

(i) When the ladder is placed against a structure which is not a part of the scaffold, the scaffold must be secured against the sideways thrust exerted by the ladder;

(ii) The platform units must be secured to the scaffold to prevent their movement;

(iii) The ladder legs must be on the same platform or other means must be provided to stabilize the ladder against unequal platform deflection; and

(iv) The ladder legs must be secured to prevent them from slipping or being pushed off the platform.

(p) Platforms must not deflect more than 1/60 of the span when loaded.

(q) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, the following precautions must be taken, as applicable:

(i) An insulated thimble must be used to attach each suspension wire rope to its hanging support (such as cornice hook or outrigger). Excess suspension wire rope and any additional independent lines from grounding must be insulated;

(ii) The suspension wire rope must be covered with insulating material extending at least 4 feet (1.2 m) above the hoist. If there is a tail line below the hoist, it must be insulated to prevent contact with the platform. The portion of the tail line that hangs free below the scaffold must be guided or retained, or both, so that it does not become grounded;

(iii) Each hoist must be covered with insulated protective covers;

(iv) In addition to a work lead attachment required by the welding process, a grounding conductor must be connected from the scaffold to the structure. The size of this conductor must be at least the size of the welding process work lead, and this conductor must not be in series with the welding process or the work piece;

(v) If the scaffold grounding lead is disconnected at any time, the welding machine must be shut off; and

(vi) An active welding rod or uninsulated welding lead must not be allowed to contact the scaffold or its suspension system.

(7) "Fall protection."

(a) Each employee on a scaffold more than 10 feet (3.1 m) above a lower level must be protected from falling to that lower level. Subsection (7)(a)(i) through (vii) of this section

establish the types of fall protection to be provided to the employees on each type of scaffold. Subsection (7)(b) of this section addresses fall protection for scaffold erectors and dismantlers.

Note to (a) of this subsection: The fall protection requirements for employees installing suspension scaffold support systems on floors, roofs, and other elevated surfaces are set forth in Parts J-2 and J-3 of this chapter.

(i) Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold must be protected by a personal fall arrest system;

(ii) Each employee on a single-point or two-point adjustable suspension scaffold must be protected by both a personal fall arrest system and guardrail system;

(iii) Each employee on a crawling board (chicken ladder) must be protected by a personal fall arrest system, a guardrail system (with minimum 200 pound toprail capacity), or by a 3/4 inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board;

(iv) Each employee on a self-contained adjustable scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by the frame structure, and by both a personal fall arrest system and a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by ropes;

(v) Each employee on a walkway located within a scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) installed within 9 1/2 inches (24.1 cm) of and along at least one side of the walkway;

(vi) Each employee performing overhand bricklaying operations from a supported scaffold must be protected from falling from all open sides and ends of the scaffold (except at the side next to the wall being laid) by the use of a personal fall arrest system or guardrail system (with minimum 200 pound toprail capacity);

(vii) For all scaffolds not otherwise specified in (a)(i) through (vi) of this subsection, each employee must be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of (d) of this subsection.

(b) The employer must have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of such protection is feasible and does not create a greater hazard. The maximum feasible fall protection must be used.

(c) In addition to meeting the requirements of WAC 296-24-88050, Appendix C, Part I, personal fall arrest systems used on scaffolds must be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member. Vertical lifelines must not be used when overhead components, such as overhead protection or additional platform levels, are part of a single-point or two-point adjustable suspension scaffold.

(i) When vertical lifelines are used, they must be fastened to a fixed safe point of anchorage, must be independent of the scaffold, and must be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other

pipng systems, electrical conduit, outrigger beams, or counterweights.

(ii) When horizontal lifelines are used, they must be secured to two or more structural members of the scaffold, or they may be looped around both suspension and independent suspension lines (on scaffolds so equipped) above the hoist and brake attached to the end of the scaffold. Horizontal lifelines must not be attached only to the suspension ropes.

(iii) On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline must be capable of locking in both directions on the lifeline.

(iv) When lanyards are connected to horizontal lifelines or structural members on a single-point or two-point adjustable suspension scaffold, the scaffold must be equipped with additional independent support lines and automatic locking devices capable of stopping the fall of the scaffold in the event one or both of the suspension ropes fail. The independent support lines must be equal in number and strength to the suspension ropes.

(v) Vertical lifelines, independent support lines, and suspension ropes must not be attached to each other, nor must they be attached to or use the same point of anchorage, nor must they be attached to the same point on the scaffold or personal fall arrest system.

(d) Guardrail systems installed to meet the requirements of this section must comply with the following provisions (guardrail systems built in accordance with Appendix A to this part will be deemed to meet the requirements of (d)(vii), (viii) and (ix) of this subsection):

(i) Guardrail systems must be installed along all open sides and ends of platforms. Guardrail systems must be installed before the scaffold is released for use by employees other than erection/dismantling crews.

(ii) The top edge height of top rails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, must be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required must be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of (d) of this subsection.

(iii) When midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members are used, they must be installed between the top edge of the guardrail system and the scaffold platform.

(iv) When midrails are used, they must be installed at a height approximately midway between the top edge of the guardrail system and the platform surface.

(v) When screens and mesh are used, they must extend from the top edge of the guardrail system to the scaffold platform, and along the entire opening between the supports.

(vi) When intermediate members (such as balusters or additional rails) are used, they must not be more than 19 inches (48 cm) apart.

(vii) Each toprail or equivalent member of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

(viii) When the loads specified in (d)(vii) of this subsection are applied in a downward direction, the top edge must not drop below the height above the platform surface that is prescribed in (d)(ii) of this subsection.

(ix) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along the midrail or other member of at least 75 pounds (333 n) for guardrail systems with a minimum 100 pound toprail capacity, and at least 150 pounds (666 n) for guardrail systems with a minimum 200 pound toprail capacity.

(x) Suspension scaffold hoists and nonwalk-through stirrups may be used as end guardrails, if the space between the hoist or stirrup and the side guardrail or structure does not allow passage of an employee to the end of the scaffold.

(xi) Guardrails must be surfaced to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(xii) The ends of all rails must not overhang the terminal posts except when such overhang does not constitute a projection hazard to employees.

(xiii) Steel or plastic banding must not be used as a toprail or midrail.

(xiv) Manila or plastic (or other synthetic) rope being used for top rails or midrails must be inspected by a competent person as frequently as necessary to ensure that it continues to meet the strength requirements of subsection (7) of this section.

(xv) Crossbraces may be used in lieu of either the toprail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass.

(8) "Falling object protection."

(a) In addition to wearing hardhats each employee on a scaffold must be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. When the falling objects are too large, heavy or massive to be contained or deflected by any of the above-listed measures, the employer must place such potential falling objects away from the edge of the surface from which they could fall and must secure those materials as necessary to prevent their falling.

(b) Where there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, the following provisions apply:

(i) The area below the scaffold to which objects can fall must be barricaded, and employees must not be permitted to enter the hazard area; or

(ii) A toeboard must be erected along the edge of platforms above lower levels for a distance sufficient to protect employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards; or

(iii) Where tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, paneling or screening extending from the toeboard or platform to the top of the guardrail must be erected for a distance sufficient to protect employees below; or

(iv) A guardrail system must be installed with openings small enough to prevent passage of potential falling objects; or

(v) A canopy structure, debris net, or catch platform strong enough to withstand the impact forces of the potential falling objects must be erected over the employees below.

(c) Canopies, when used for falling object protection, must comply with the following criteria:

(i) Canopies must be installed between the falling object hazard and the employees.

(ii) When canopies are used on suspension scaffolds for falling object protection, the scaffold must be equipped with additional independent support lines equal in number to the number of points supported, and equivalent in strength to the strength of the suspension ropes.

(iii) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(d) Where used, toeboards must be:

(i) Capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard (toeboards built in accordance with Appendix A to this part will be deemed to meet this requirement); and

(ii) At least 3 1/2 inches (9 cm) high from the top edge of the toeboard to the level of the walking/working surface. Toeboards must be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 cm) clearance above the walking/working surface. Toeboards must be solid or with openings not over 1 inch (2.5 cm) in the greatest dimension.

## NEW SECTION

**WAC 296-24-86015 Additional requirements applicable to specific types of scaffolds.** In addition to the applicable requirements of WAC 296-24-86010, the following requirements apply to the specific types of scaffolds indicated. Scaffolds not specifically addressed by WAC 296-24-86015, such as, but not limited to, systems scaffolds, must meet the requirements of WAC 296-24-86010.

(1) "Pole scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced, prior to receiving the new platforms.

(b) Crossbracing must be installed between the inner and outer sets of poles on double-pole scaffolds.

(c) Diagonal bracing in both directions must be installed across the entire inside face of double-pole scaffolds used to support loads equivalent to a uniformly distributed load of 50 pounds (222 kg) or more per square foot (929 square cm).

(d) Diagonal bracing in both directions must be installed across the entire outside face of all double- and single-pole scaffolds.

(e) Runners and bearers must be installed on edge.

(f) Bearers must extend a minimum of 3 inches (7.6 cm) over the outside edges of runners.

(g) Runners must extend over a minimum of two poles, and must be supported by bearing blocks securely attached to the poles.

(h) Braces, bearers, and runners must not be spliced between poles.

(i) Where wooden poles are spliced, the ends must be squared and the upper section must rest squarely on the lower section. Wood splice plates must be provided on at least two adjacent sides, and must extend at least 2 feet (0.6 m) on either side of the splice, overlap the abutted ends equally, and have at least the same cross-sectional areas as the pole. Splice plates of other materials of equivalent strength may be used.

(j) Pole scaffolds over 60 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for pole scaffolds under 60 feet in height.

(2) "Tube and coupler scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced prior to receiving the new platforms.

(b) Transverse bracing forming an "X" across the width of the scaffold must be installed at the scaffold ends and at least at every third set of posts horizontally (measured from only one end) and every fourth runner vertically. Bracing must extend diagonally from the inner or outer posts or runners upward to the next outer or inner posts or runners. Building ties must be installed at the bearer levels between the transverse bracing and must conform to the requirements of WAC 296-24-86010 (3)(a).

(c) On straight run scaffolds, longitudinal bracing across the inner and outer rows of posts must be installed diagonally in both directions, and must extend from the base of the end posts upward to the top of the scaffold at approximately a 45 degree angle. On scaffolds whose length is greater than their height, such bracing must be repeated beginning at least at every fifth post. On scaffolds whose length is less than their height, such bracing must be installed from the base of the end posts upward to the opposite end posts, and then in alternating directions until reaching the top of the scaffold. Bracing must be installed as close as possible to the intersection of the bearer and post or runner and post.

(d) Where conditions preclude the attachment of bracing to posts, bracing must be attached to the runners as close to the post as possible.

(e) Bearers must be installed transversely between posts, and when coupled to the posts, must have the inboard coupler

bear directly on the runner coupler. When the bearers are coupled to the runners, the couplers must be as close to the posts as possible.

(f) Bearers must extend beyond the posts and runners, and must provide full contact with the coupler.

(g) Runners must be installed along the length of the scaffold, located on both the inside and outside posts at level heights (when tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners).

(h) Runners must be interlocked on straight runs to form continuous lengths, and must be coupled to each post. The bottom runners and bearers must be located as close to the base as possible.

(i) Couplers must be of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(j) Tube and coupler scaffolds over 125 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for tube and coupler scaffolds under 125 feet in height.

(3) "Fabricated frame scaffolds" (tubular welded frame scaffolds).

(a) When moving platforms to the next level, the existing platform must be left undisturbed until the new end frames have been set in place and braced prior to receiving the new platforms:

(b) Frames and panels must be braced by cross, horizontal, or diagonal braces, or combination thereof, which secure vertical members together laterally. The cross braces must be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, and square. All brace connections must be secured.

(c) Frames and panels must be joined together vertically by coupling or stacking pins or equivalent means.

(d) Where uplift can occur which would displace scaffold end frames or panels, the frames or panels must be locked together vertically by pins or equivalent means.

(e) Brackets used to support cantilevered loads must:

(i) Be seated with side-brackets parallel to the frames and end-brackets at 90 degrees to the frames;

(ii) Not be bent or twisted from these positions; and

(iii) Be used only to support personnel, unless the scaffold has been designed for other loads by a qualified engineer and built to withstand the tipping forces caused by those other loads being placed on the bracket-supported section of the scaffold.

(f) Scaffolds over 125 feet (38.0 m) in height above their base plates must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design.

(4) "Plasterers', decorators', and large area scaffolds." Scaffolds must be constructed in accordance with subsection (1), (2), or (3) of this section, as appropriate.

(5) "Bricklayers' square scaffolds (squares)."

(a) Scaffolds made of wood must be reinforced with gussets on both sides of each corner.

(b) Diagonal braces must be installed on all sides of each square.

(c) Diagonal braces must be installed between squares on the rear and front sides of the scaffold, and must extend from the bottom of each square to the top of the next square.

(d) Scaffolds must not exceed three tiers in height, and must be so constructed and arranged that one square rests directly above the other. The upper tiers must stand on a continuous row of planks laid across the next lower tier, and must be nailed down or otherwise secured to prevent displacement.

(6) "Horse scaffolds."

(a) Scaffolds must not be constructed or arranged more than two tiers or 10 feet (3.0 m) in height, whichever is less.

(b) When horses are arranged in tiers, each horse must be placed directly over the horse in the tier below.

(c) When horses are arranged in tiers, the legs of each horse must be nailed down or otherwise secured to prevent displacement.

(d) When horses are arranged in tiers, each tier must be crossbraced.

(7) "Form scaffolds and carpenters' bracket scaffolds."

(a) Each bracket, except those for wooden bracket-form scaffolds, must be attached to the supporting formwork or structure by means of one or more of the following: Nails; a metal stud attachment device; welding; hooking over a secured structural supporting member, with the form wales either bolted to the form or secured by snap ties or tie bolts extending through the form and securely anchored; or, for carpenters' bracket scaffolds only, by a bolt extending through to the opposite side of the structure's wall.

(b) Wooden bracket-form scaffolds must be an integral part of the form panel.

(c) Folding type metal brackets, when extended for use, must be either bolted or secured with a locking-type pin.

(8) "Roof bracket scaffolds."

(a) Scaffold brackets must be constructed to fit the pitch of the roof and must provide a level support for the platform.

(b) Brackets (including those provided with pointed metal projections) must be anchored in place by nails unless it is impractical to use nails. When nails are not used, brackets must be secured in place with first-grade manila rope of at least 3/4 inch (1.9 cm) diameter, or equivalent.

(9) "Outrigger scaffolds."

(a) The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of anchorage, must be not less than one and one-half times the outboard end in length.

(b) Outrigger beams fabricated in the shape of an I-beam or channel must be placed so that the web section is vertical.

(c) The fulcrum point of outrigger beams must rest on secure bearings at least 6 inches (15.2 cm) in each horizontal dimension.

(d) Outrigger beams must be secured in place against movement, and must be securely braced at the fulcrum point against tipping.

(e) The inboard ends of outrigger beams must be securely anchored either by means of braced struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both.

(f) The entire supporting structure must be securely braced to prevent any horizontal movement.

(g) To prevent their displacement, platform units must be nailed, bolted, or otherwise secured to outriggers.

(h) Scaffolds and scaffold components must be designed by a registered professional engineer and must be constructed and loaded in accordance with such design.

(10) "Pump jack scaffolds."

(a) Pump jack brackets, braces, and accessories must be fabricated from metal plates and angles. Each pump jack bracket must have two positive gripping mechanisms to prevent any failure or slippage.

(b) Poles must be secured to the structure by rigid triangular bracing or equivalent at the bottom, top, and other points as necessary. When the pump jack has to pass bracing already installed, an additional brace must be installed approximately 4 feet (1.2 m) above the brace to be passed, and must be left in place until the pump jack has been moved and the original brace reinstalled.

(c) When guardrails are used for fall protection, a workbench may be used as the toprail only if it meets all the requirements in WAC 296-24-86010 (7)(d)(ii), (vii), (viii) and (xiii).

(d) Work benches must not be used as scaffold platforms.

(e) When poles are made of wood, the pole lumber must be straight-grained, free of shakes, large loose or dead knots, and other defects which might impair strength.

(f) When wood poles are constructed of two continuous lengths, they must be joined together with the seam parallel to the bracket.

(g) When two by fours are spliced to make a pole, mending plates must be installed at all splices to develop the full strength of the member.

(11) "Ladder jack scaffolds."

(a) Platforms must not exceed a height of 20 feet (6.1 m).

(b) All ladders used to support ladder jack scaffolds must meet the requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support ladder jack scaffolds.

(c) The ladder jack must be so designed and constructed that it will bear on the side rails and ladder rungs or on the ladder rungs alone. If bearing on rungs only, the bearing area must include a length of at least 10 inches (25.4 cm) on each rung.

(d) Ladders used to support ladder jacks must be placed, fastened, or equipped with devices to prevent slipping.

(e) Scaffold platforms must not be bridged one to another.

(12) "Window jack scaffolds."

(a) Scaffolds must be securely attached to the window opening.

(b) Scaffolds must be used only for the purpose of working at the window opening through which the jack is placed.

(c) Window jacks must not be used to support planks placed between one window jack and another, or for other elements of scaffolding.

(13) "Crawling boards (chicken ladders)."

(a) Crawling boards must extend from the roof peak to the eaves when used in connection with roof construction, repair, or maintenance.

(b) Crawling boards must be secured to the roof by ridge hooks or by means that meet equivalent criteria (e.g., strength and durability).

(14) "Step, platform, and trestle ladder scaffolds."

(a) Scaffold platforms must not be placed any higher than the second highest rung or step of the ladder supporting the platform.

(b) All ladders used in conjunction with step, platform and trestle ladder scaffolds must meet the pertinent requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support such scaffolds.

(c) Ladders used to support step, platform, and trestle ladder scaffolds must be placed, fastened, or equipped with devices to prevent slipping.

(d) Scaffolds must not be bridged one to another.

(15) "Single-point adjustable suspension scaffolds."

(a) When two single-point adjustable suspension scaffolds are combined to form a two-point adjustable suspension scaffold, the resulting two-point scaffold must comply with the requirements for two-point adjustable suspension scaffolds in subsection (16) of this section.

(b) The supporting rope between the scaffold and the suspension device must be kept vertical unless all of the following conditions are met:

(i) The rigging has been designed by a qualified person; and

(ii) The scaffold is accessible to rescuers; and

(iii) The supporting rope is protected to ensure that it will not chafe at any point where a change in direction occurs; and

(iv) The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.

(c) Boatswains' chair tackle must consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-eighth (5/8) inch (1.6 cm) diameter first-grade manila rope, or other rope which will satisfy the criteria (e.g., strength and durability) of manila rope.

(d) Boatswains' chair seat slings must be reeved through four corner holes in the seat; must cross each other on the underside of the seat; and must be rigged so as to prevent slippage which could cause an out-of-level condition.

(e) Boatswains' chair seat slings must be a minimum of five-eighths (5/8) inch (1.6 cm) diameter fiber, synthetic, or other rope which will satisfy the criteria (e.g., strength, slip resistance, durability, etc.) of first grade manila rope.

(f) When a heat-producing process such as gas or arc welding is being conducted, boatswains' chair seat slings must be a minimum of three-eighths (3/8) inch (1.0 cm) wire rope.

(g) Noncross-laminated wood boatswains' chairs must be reinforced on their underside by cleats securely fastened to prevent the board from splitting.

(16) "Two-point adjustable suspension scaffolds (swing stages)." The following requirements do not apply to two-point adjustable suspension scaffolds used as masons' or



stonesetters' scaffolds. Such scaffolds are covered by subsection (17) of this section.

(a) Platforms must not be more than 36 inches (0.9 m) wide unless designed by a qualified person to prevent unstable conditions.

(b) The platform must be securely fastened to hangers (stirrups) by U-bolts or by other means which satisfy the requirements of WAC 296-24-86010(1).

(c) The blocks for fiber or synthetic ropes must consist of at least one double and one single block. The sheaves of all blocks must fit the size of the rope used.

(d) Platforms must be of the ladder-type, plank-type, beam-type, or light-metal type. Light-metal type platforms having a rated capacity of 750 pounds or less and platforms 40 feet (12.2 m) or less in length must be tested and listed by a nationally recognized testing laboratory.

(e) Two-point scaffolds must not be bridged or otherwise connected one to another during raising and lowering operations unless the bridge connections are articulated (attached), and the hoists properly sized.

(f) Passage may be made from one platform to another only when the platforms are at the same height, are abutting, and walk-through stirrups specifically designed for this purpose are used.

(17) "Multi-point adjustable suspension scaffolds, stonesetters' multi-point adjustable suspension scaffolds, and masons' multi-point adjustable suspension scaffolds."

(a) When two or more scaffolds are used they must not be bridged one to another unless they are designed to be bridged, the bridge connections are articulated, and the hoists are properly sized.

(b) If bridges are not used, passage may be made from one platform to another only when the platforms are at the same height and are abutting.

(c) Scaffolds must be suspended from metal outriggers, brackets, wire rope slings, hooks, or means that meet equivalent criteria (e.g., strength, durability).

(18) "Catenary scaffolds."

(a) No more than one platform must be placed between consecutive vertical pickups, and no more than two platforms must be used on a catenary scaffold.

(b) Platforms supported by wire ropes must have hook-shaped stops on each end of the platforms to prevent them from slipping off the wire ropes. These hooks must be so placed that they will prevent the platform from falling if one of the horizontal wire ropes breaks.

(c) Wire ropes must not be tightened to the extent that the application of a scaffold load will overstress them.

(d) Wire ropes must be continuous and without splices between anchors.

(19) "Float (ship) scaffolds."

(a) The platform must be supported by a minimum of two bearers, each of which must project a minimum of 6 inches (15.2 cm) beyond the platform on both sides. Each bearer must be securely fastened to the platform.

(b) Rope connections must be such that the platform cannot shift or slip.

(c) When only two ropes are used with each float:

(i) They must be arranged so as to provide four ends which are securely fastened to overhead supports.

(ii) Each supporting rope must be hitched around one end of the bearer and pass under the platform to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(20) "Interior hung scaffolds."

(a) Scaffolds must be suspended only from the roof structure or other structural member such as ceiling beams.

(b) Overhead supporting members (roof structure, ceiling beams, or other structural members) must be inspected and checked for strength before the scaffold is erected.

(c) Suspension ropes and cables must be connected to the overhead supporting members by shackles, clips, thimbles, or other means that meet equivalent criteria (e.g., strength, durability).

(21) "Needle beam scaffolds."

(a) Scaffold support beams must be installed on edge.

(b) Ropes or hangers must be used for supports, except that one end of a needle beam scaffold may be supported by a permanent structural member.

(c) The ropes must be securely attached to the needle beams.

(d) The support connection must be arranged so as to prevent the needle beam from rolling or becoming displaced.

(e) Platform units must be securely attached to the needle beams by bolts or equivalent means. Cleats and overhang are not considered to be adequate means of attachment.

(22) "Multi-level suspended scaffolds."

(a) Scaffolds must be equipped with additional independent support lines, equal in number to the number of points supported, and of equivalent strength to the suspension ropes, and rigged to support the scaffold in the event the suspension rope(s) fail.

(b) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(c) Supports for platforms must be attached directly to the support stirrup and not to any other platform.

(23) "Mobile scaffolds."

(a) Scaffolds must be braced by cross, horizontal, or diagonal braces, or combination thereof, to prevent racking or collapse of the scaffold and to secure vertical members together laterally so as to automatically square and align the vertical members. Scaffolds must be plumb, level, and squared. All brace connections must be secured.

(i) Scaffolds constructed of tube and coupler components must also comply with the requirements of subsection (2) of this section;

(ii) Scaffolds constructed of fabricated frame components must also comply with the requirements of subsection (3) of this section.

(b) Scaffold casters and wheels must be locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold is used in a stationary manner.

(c) Manual force used to move the scaffold must be applied as close to the base as practicable, but not more than 5 feet (1.5 m) above the supporting surface.

(d) Power systems used to propel mobile scaffolds must be designed for such use. Forklifts, trucks, similar motor vehicles or add-on motors must not be used to propel scaffold.

folds unless the scaffold is designed for such propulsion systems.

(e) Scaffolds must be stabilized to prevent tipping during movement.

(f) Employees must not be allowed to ride on scaffolds unless the following conditions exist:

(i) The surface on which the scaffold is being moved is within 3 degrees of level, and free of pits, holes, and obstructions;

(ii) The height to base width ratio of the scaffold during movement is two to one or less, unless the scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements such as those listed in (ANSI/SIA A92.5 and A92.6);

(iii) Outrigger frames, when used, are installed on both sides of the scaffold;

(iv) When power systems are used, the propelling force is applied directly to the wheels, and does not produce a speed in excess of 1 foot per second (.3 mps); and

(v) No employee is on any part of the scaffold which extends outward beyond the wheels, casters, or other supports.

(g) Platforms must not extend outward beyond the base supports of the scaffold unless outrigger frames or equivalent devices are used to ensure stability.

(h) Where leveling of the scaffold is necessary, screw jacks or equivalent means must be used.

(i) Caster stems and wheel stems must be pinned or otherwise secured in scaffold legs or adjustment screws.

(j) Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

(k) Before a scaffold is moved, each employee on the scaffold must be made aware of the move.

(24) "Repair bracket scaffolds."

(a) Brackets must be secured in place by at least one wire rope at least 1/2 inch (1.27 cm) in diameter.

(b) Each bracket must be attached to the securing wire rope (or ropes) by a positive locking device capable of preventing the unintentional detachment of the bracket from the rope, or by equivalent means.

(c) Each bracket, at the contact point between the supporting structure and the bottom of the bracket, must be provided with a shoe (heel block or foot) capable of preventing the lateral movement of the bracket.

(d) Platforms must be secured to the brackets in a manner that will prevent the separation of the platforms from the brackets and the movement of the platforms or the brackets on a completed scaffold.

(e) When a wire rope is placed around the structure in order to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds, the wire rope must meet the requirements of WAC 296-24-88050, Appendix C, but must be at least 5/16 inch (0.8 cm) in diameter.

(f) Each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems must be protected from damage due to contact with edges, corners, protrusions, or other discontinuities of the supporting structure or scaffold components.

(g) Tensioning of each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems must be by means of a turnbuckle at least 1 inch (2.54 cm) in diameter, or by equivalent means.

(h) Each turnbuckle must be connected to the other end of its rope by use of an eyesplice thimble of a size appropriate to the turnbuckle to which it is attached.

(i) U-bolt wire rope clips must not be used on any wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems.

(j) The employer must ensure that materials must not be dropped to the outside of the supporting structure.

(k) Scaffold erection must progress in only one direction around any structure.

(25) "Stilts." Stilts, when used, must be used in accordance with the following requirements:

(a) An employee may wear stilts on a scaffold only if it is a large area scaffold.

(b) When an employee is using stilts on a large area scaffold where a guardrail system is used to provide fall protection, the guardrail system must be increased in height by an amount equal to the height of the stilts being used by the employee.

(c) Surfaces on which stilts are used must be flat and free of pits, holes and obstructions, such as debris, as well as other tripping and falling hazards.

(d) Stilts must be properly maintained. Any alteration of the original equipment must be approved by the manufacturer.

#### NEW SECTION

**WAC 296-24-86020 Training.** This section supplements and clarifies the requirements of WAC 296-24-020 (1)(c) and 296-24-040 (1)(a)(vii) as these relate to the hazards of work on scaffolds.

(1) The employer must have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training must include the following areas, as applicable:

(a) The nature of any electrical hazards, fall hazards and falling object hazards in the work area;

(b) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used;

(c) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(d) The maximum intended load and the load-carrying capacities of the scaffolds used; and

(e) Any other pertinent requirements of this subpart.

(2) The employer must have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training must include the following topics, as applicable:

(a) The nature of scaffold hazards;

(b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question;

(c) The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;

(d) Any other pertinent requirements of this part.

(3) When the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use or dismantling of scaffolds, the employer must retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations:

(a) Where changes at the worksite present a hazard about which an employee has not been previously trained; or

(b) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained; or

(c) Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency.

#### NEW SECTION

#### **WAC 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers).**

#### NEW SECTION

**WAC 296-24-86105 General requirements.** (1) Application. This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) Working loads.

(a) Work platforms and scaffolds must be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(b) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design must be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected must be of sufficient strength to meet the test requirements and must be protected against corrosion or deterioration.

(i) The design working load of ladder stands must be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds must be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds must be capable of supporting at least four times the design working load.

(c) Materials used in mobile ladder stands and scaffolds must be of standard manufacture and conform to specifications of this section for strength, dimensions, and weights, and must be selected to safely support the design working load.

(d) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers must be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails must be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(e) All exposed surfaces must be free from sharp edges, burrs or other safety hazards.

(3) Work levels.

(a) The maximum work level height must not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames must be employed to achieve this least base dimension, or provisions must be made to guy or brace the unit against tipping.

(b) The minimum platform width for any work level must not be less than 20 inches for mobile scaffolds (towers). Ladder stands must have a minimum step width of 16 inches.

(c) The supporting structure for the work level must be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(d) The steps of ladder stands must be fabricated from slip resistant treads.

(e) The work level platform of scaffolds (towers) must be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms must be secured in place. All planking must be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(f) All scaffold work levels 10 feet or higher above the ground or floor must have a standard (4-inch nominal) toe-board.

(g) All work levels 10 feet or higher above the ground or floor must have a guardrail of 2- by 4-inch nominal lumber or the equivalent installed no less than 38 inches or more than 45 inches high, with a mid-rail, when required, of at least 1- by 4-inch nominal lumber or equivalent.

(h) A climbing ladder, stairway, or equivalent must be provided for proper access and egress, and must be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 30 feet.

(4) Wheels or casters.

(a) Wheels or casters must be properly designed for strength and dimensions to support four times the design working load.

(b) All scaffold casters must be provided with a positive wheel and/or swivel lock to prevent movement. Ladder

stands must have at least two of the four casters and must be of the swivel type.

(c) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height must be provided in the base section of each mobile unit.

#### NEW SECTION

**WAC 296-24-86110 Mobile tubular welded frame scaffolds.** (1) General. Units must be designed to comply with the requirements of WAC 296-24-86105.

(2) Bracing. Scaffolds must be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces must be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) Spacing. Spacing of panels or frames must be consistent with the loads imposed. The frames must be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) Locking. Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

(5) Erection. Only the manufacturer of a scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer or erected in accordance with instructions furnished by the manufacturer.

#### NEW SECTION

**WAC 296-24-86115 Mobile tubular welded sectional folding scaffolds.** (1) General. Units including sectional stairway and sectional ladder scaffolds must be designed to comply with the requirements of WAC 296-24-86105.

(2) Stairway. An integral stairway and work platform must be incorporated into the structure of each sectional folding stairway scaffold.

(3) Bracing. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform must be incorporated into the structure of each sectional folding ladder scaffold.

(4) Sectional folding stairway scaffolds. Sectional folding stairway scaffolds must be designed as medium duty scaffolds except for high clearance. These special base sections must be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold must be reduced accordingly. The width of a sectional folding stairway scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding stairway scaffold must not exceed 6 feet.

(5) Sectional folding ladder scaffolds. Sectional folding ladder scaffolds must be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot folding ladder scaffolds, except for special high clearance base sections, must be designed for use as medium

duty scaffolds. The width of a sectional folding ladder scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding ladder scaffold must not exceed 6 feet 6 inches for a six-foot long unit, 8 feet 6 inches for an eight-foot unit or 10 feet 6 inches for a ten-foot long unit.

(6) End frames. The end frames of sectional ladder and stairway scaffolds must be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) Erection. Only the manufacturer of the scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

#### NEW SECTION

**WAC 296-24-86120 Mobile tube and coupler scaffolds.** (1) Design. Units must be designed to comply with the applicable requirements of WAC 296-24-86105.

(2) Material. The material used for the couplers must be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) Erection. Only the manufacturer of the scaffold or their qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

#### NEW SECTION

**WAC 296-24-86125 Mobile work platforms.** (1) Design. Units must be designed for the use intended and shall comply with the requirements of WAC 296-24-86105.

(2) Base width. The minimum width of the base of mobile work platforms must not be less than 20 inches.

(3) Bracing. Adequate rigid diagonal bracing to vertical members must be provided.

#### NEW SECTION

**WAC 296-24-86130 Mobile ladder stands.** (1) Design. Units must comply with applicable requirements of WAC 296-24-86105.

(2) Base width. The minimum base width must conform to WAC 296-24-86105 (3)(a). The maximum length of the base section must be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(3) Steps. Steps must be uniformly spaced, and sloped, with a rise of not less than nine inches, nor more than ten inches, and a depth of not less than seven inches. The slope of the steps section must be a minimum of fifty-five degrees and a maximum of sixty degrees measured from the horizontal.

(4) Handrails.

- (a) Units having more than five steps or 60 inches vertical height to the top step must be equipped with handrails.
- (b) Handrails must be a minimum of 29 inches high. Measurements must be taken vertically from the center of the step.
- (5) Loading. The load (see WAC 296-24-86105 (2)(b)(ii)) must be applied uniformly to a 3 1/2 inches wide area front to back at the center of the width span with a safety factor of four.

**NEW SECTION**

**WAC 296-24-862 Nonmandatory appendices. Nonmandatory Appendix A to Part J-2, Scaffold Specifications.**

This Appendix provides nonmandatory guidelines to assist employers in complying with the requirements of Part J-2 of this chapter. An employer may use these guidelines and tables as a starting point for designing scaffold systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-24-86010(1). Scaffold components which are not selected and loaded in accordance with this Appendix, and components for which no specific guidelines or tables are given in this Appendix (e.g., joints, ties, components for wood pole scaffolds more than 60 feet in height, components for heavy-duty horse scaffolds, components made with other materials, and components with other dimensions, etc.) must be designed and constructed in accordance with the capacity requirements of WAC 296-24-86010(1), and loaded in accordance with WAC 296-24-86010 (4)(a).

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- 1. General guidelines and tables.
- 2. Specific guidelines and tables.
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    - Independent wood pole scaffolds.
  - (b) Tube and coupler scaffolds.
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  - (g) Form scaffolds and carpenters' bracket scaffolds.
  - (h) Roof bracket scaffolds.
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  - (o) Single-point adjustable suspension scaffolds.
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  - (q)(1) Stonesetters' multi-point adjustable suspension scaffolds.
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- (r) Catenary scaffolds.
- (s) Float (ship) scaffolds.
- (t) Interior hung scaffolds.
- (u) Needle beam scaffolds.
- (v) Multi-level suspension scaffolds.
- (w) Mobile scaffolds.
- (x) Repair bracket scaffolds.
- (y) Stilts.
- (z) Tank builders' scaffolds.
- 1. General guidelines and tables.

(a) The following tables, and the tables in Part 2 — Specific guidelines and tables, assume that all load-carrying timber members (except planks) of the scaffold are a minimum of 1,500 lb-f/in(2) (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Softwood Lumber Standards, dated January 1970, except that, where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(b) Solid sawn wood used as scaffold planks must be selected for such use following the grading rules established by a recognized lumber grading association or by an independent lumber grading inspection agency. Such planks must be identified by the grade stamp of such association or agency. The association or agency and the grading rules under which the wood is graded must be certified by the Board of Review, American Lumber Standard Committee, as set forth in the American Softwood Lumber Standard of the U.S. Department of Commerce.

(i) Allowable spans must be determined in compliance with the National Design Specification for Wood Construction published by the National Forest Products Association; paragraph 5 of ANSI A10.8-1988 Scaffolding-Safety Requirements published by the American National Standards Institute; or for 2 x 10 inch (nominal) or 2 x 9 inch (rough) solid sawn wood planks, as shown in the following table:

Maximum intended nominal load (lb/ft <sup>2</sup> )	Maximum permissible span using full thickness undressed lumber (ft)	Maximum permissible span using nominal thickness lumber (ft)
25	10	8
50	8	6
75	6	

(ii) The maximum permissible span for 1 1/4 x 9-inch or wider wood plank of full thickness with a maximum intended load of 50 lb/ft.(2) must be 4 feet.

(c) Fabricated planks and platforms may be used in lieu of solid sawn wood planks. Maximum spans for such units must be as recommended by the manufacturer based on the maximum intended load being calculated as follows:

Rated load capacity	Intended load
Light-duty	*25 pounds per square foot applied uniformly over the entire span area.
Medium-duty	*50 pounds per square foot applied uniformly over the entire span area.
Heavy-duty	*75 pounds per square foot applied uniformly over the entire span area.
One-person	*250 pounds placed at the center of the span (total 250 pounds).

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Rated load capacity	Intended load
Two-person	*250 pounds placed 18 inches to the left and right of the center of the span (total 500 pounds).
Three-person	*250 pounds placed at the center of the span and 250 pounds placed 18 inches to the left and right of the center of the span (total 750 pounds).

Note: Platform units used to make scaffold platforms intended for light-duty use must be capable of supporting at least 25 pounds per square foot applied uniformly over the entire unit-span area, or a 250-pound point load placed on the unit at the center of the span, whichever load produces the greater shear force.

(d) Guardrails must be as follows:

(i) Toprails must be equivalent in strength to 2 inch by 4 inch lumber; or

1 1/4 inch x 1/8 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.

(ii) Midrails must be equivalent in strength to 1 inch by 6 inch lumber; or

1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(iii) Toeboards must be equivalent in strength to 1 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(iv) Posts must be equivalent in strength to 2 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch x 1/8 structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(v) Distance between posts must not exceed 8 feet.

(e) Overhead protection must consist of 2 inch nominal planking laid tight, or 3/4-inch plywood.

(f) Screen installed between toeboards and midrails or top rails must consist of No. 18 gauge U.S. Standard wire one inch mesh.

2. Specific guidelines and tables.

(a) Pole Scaffolds.

Single Pole Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load (lbs/ft <sup>2</sup> )	25	25	50	75
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 6 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet
Maximum pole spacing (transverse)	5 feet	5 feet	5 feet	5 feet

Single Pole Wood Pole Scaffolds				
Runners	1 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
5 feet	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough)	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
6 feet	---	---	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
8 feet	---	---	2 x 10 in. or 3 x 4 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	9 feet	7 feet	6 ft. 6 in.
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

Independent Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load	25 lbs/ft <sup>2</sup>	25 lbs/ft <sup>2</sup>	50 lbs/ft <sup>2</sup>	75 lbs/ft <sup>2</sup>
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 4 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet
Maximum (transverse)	6 feet	10 feet	8 feet	8 feet
Runners	1 1/4 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. (rough)	2 x 10 in.
6 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	2 x 10 in. (rough)
8 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	

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Independent Wood Pole Scaffolds				
10 feet	3 x 4 in.	2 x 6 in. (rough) or 3 x 3 in.	2 x 10 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	7 feet	6 feet	6 feet
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

(b) Tube and coupler scaffolds.

Minimum Size of Members			
	Light duty	Medium duty	Heavy duty
Maximum intended load	25 lbs/ft <sup>2</sup>	50 lbs/ft <sup>2</sup>	75 lbs/ft <sup>2</sup>
Posts, runners and braces	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.
Bearers	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 10 ft.	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 7 ft. or Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 8 ft. (*)	Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 6 ft.
Maximum runner spacing vertically	6 ft. 6 in.	6 ft. 6 in.	6 ft. 6 in.

(\*) Bearers must be installed in the direction of the shorter dimension.

Note: Longitudinal diagonal bracing must be installed at an angle of 45 deg. (+/- 5 deg.).

Maximum Number of Planked Levels

Maximum number of additional planked levels

	Light duty	Medium duty	Heavy duty	Maximum height of scaffold (in feet)
Duty Number of Working Levels:				
1	16	11	6	125
2	11	1	0	125

	Light duty	Medium duty	Heavy duty	Maximum height of scaffold (in feet)
Duty Number of Working Levels:				
3	6	0	0	125
4	1	0	0	125

(c) "Fabricated frame scaffolds." Because of their pre-fabricated nature, no additional guidelines or tables for these scaffolds are being adopted in this Appendix.

(d) "Plasterers', decorators', and large area scaffolds." The guidelines for pole scaffolds or tube and coupler scaffolds (Appendix A (a) and (b)) may be applied.

(e) "Bricklayers' square scaffolds."

Maximum intended load: 50 lb/ft.(2)(\*)

Footnote(\*): The squares must be set not more than 8 feet apart for light duty scaffolds and not more than 5 feet apart for medium duty scaffolds.

Maximum width: 5 ft.

Maximum height: 5 ft.

Gussets: 1 x 6 in.

Braces: 1 x 8 in.

Legs: 2 x 6 in.

Bearers (horizontal members): 2 x 6 in.

(f) Horse scaffolds.

Maximum intended load (light duty): 25 lb/ft.(2)(\*\*)

Footnote(\*\*): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Maximum intended load (medium duty): 50 lb/ft.(2)(\*\*)

Footnote(\*\*): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Horizontal members or bearers:

Light duty: 2 x 4 in.

Medium duty: 3 x 4 in.

Legs: 2 x 4 in.

Longitudinal brace between legs: 1 x 6 in.

Gusset brace at top of legs: 1 x 8 in.

Half diagonal braces: 2 x 4 in.

(g) "Form scaffolds and carpenters' bracket scaffolds."

(1) Brackets must consist of a triangular-shaped frame made of wood with a cross-section not less than 2 inches by 3 inches, or of 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron.

(2) Bolts used to attach brackets to structures must not be less than 5/8 inches in diameter.

(3) Maximum bracket spacing must be 8 feet on centers.

(4) No more than two employees must occupy any given 8 feet of a bracket or form scaffold at any one time. Tools and materials must not exceed 75 pounds in addition to the occupancy.

(5) Wooden figure-four scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers (two): 1 x 6 in.

Braces: 1 x 6 in.

Maximum length of bearers (unsupported): 3 ft. 6 in.

(i) Outrigger bearers must consist of two pieces of 1 x 6 inch lumber nailed on opposite sides of the vertical support.

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(ii) Bearers for wood figure-four brackets must project not more than 3 feet 6 inches from the outside of the form support, and must be braced and secured to prevent tipping or turning. The knee or angle brace must intersect the bearer at least 3 feet from the form at an angle of approximately 45 degrees, and the lower end must be nailed to a vertical support.

(6) Metal bracket scaffolds:  
 Maximum intended load: 25 lb/ft.(2)  
 Uprights: 2 x 4 inch  
 Bearers: As designed.  
 Braces: As designed.

(7) Wood bracket scaffolds:  
 Maximum intended load: 25 lb/ft.(2)  
 Uprights: 2 x 4 in. or 2 x 6 in.  
 Bearers: 2 x 6 in.  
 Maximum scaffold width: 3 ft. 6 in.  
 Braces: 1 x 6 in.

(h) "Roof bracket scaffolds." No specific guidelines or tables are given.

(i) "Outrigger scaffolds (single level)." No specific guidelines or tables are given.

(j) "Pump jack scaffolds." Wood poles must not exceed 30 feet in height. Maximum intended load — 500 lbs between poles; applied at the center of the span. Not more than two employees must be on a pump jack scaffold at one time between any two supports. When 2 x 4's are spliced together to make a 4 x 4 inch wood pole, they must be spliced with "10 penny" common nails no more than 12 inches center to center, staggered uniformly from the opposite outside edges.

(k) "Ladder jack scaffolds." Maximum intended load — 25 lb/ft.(2). However, not more than two employees must occupy any platform at any one time. Maximum span between supports must be 8 feet.

(l) "Window jack scaffolds." Not more than one employee must occupy a window jack scaffold at any one time.

(m) "Crawling boards (chicken ladders)." Crawling boards must be not less than 10 inches wide and 1 inch thick, with cleats having a minimum 1 x 1 1/2 inch cross-sectional area. The cleats must be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches.

(n) "Step, platform, and trestle ladder scaffolds." No additional guidelines or tables are given.

(o) "Single-point adjustable suspension scaffolds." Maximum intended load — 250 lbs. Wood seats for boat-swains' chairs must be not less than 1 inch thick if made of nonlaminated wood, or 5/8 inches thick if made of marine quality plywood.

(p) "Two-point adjustable suspension scaffolds."

(1) In addition to direct connections to buildings (except window cleaners' anchors) acceptable ways to prevent scaffold sway include angulated roping and static lines. Angulated roping is a system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building. Static lines are separate ropes secured at their top and bottom ends closer to the plane

of the building face than the outermost edge of the platform. By drawing the static line taut, the platform is drawn against the face of the building.

(2) On suspension scaffolds designed for a working load of 500 pounds, no more than two employees must be permitted on the scaffold at one time. On suspension scaffolds with a working load of 750 pounds, no more than three employees must be permitted on the scaffold at one time.

(3) Ladder-type platforms. The side stringer must be of clear straight-grained spruce. The rungs must be of straight-grained oak, ash, or hickory, at least 1 1/8 inches in diameter, with 7/8 inch tenons mortised into the side stringers at least 7/8 inch. The stringers must be tied together with tie rods not less than 1/4 inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips must be spaced not more than 5/8 inch apart, except at the side rails where the space may be 1 inch. Ladder-type platforms must be constructed in accordance with the following table:

Schedule for Ladder-Type Platforms

Length of Platform	12 feet	14 & 16 feet	18 & 20 feet
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 2 3/4 in.	1 3/4 x 2 3/4 in.	1 3/4 x 3 in.
At middle	1 3/4 x 3 3/4 in.	1 3/4 x 3 3/4 in.	1 3/4 x 4
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		
Tie rods: Number (minimum)	3	4	4
Diameter (minimum)	1/4 inch	1/4 inch	1/4 inch
Flooring, minimum finished size	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.
Length of Platform	22 & 24 ft.	28 & 30 ft.	
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 3 in.	1 3/4 x 3 1/2 in.	
At middle	1 3/4 x 4 1/4 in.	1 3/4 x 5 in.	
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		
Tie rods: Number (minimum)	5	6	
Diameter (minimum)	1/4 in.	1/4 in.	
Flooring, minimum finished size	1/2 x-2 3/4 in.	1/2 x 2 3/4 in.	

PERMANENT



(4) **Plank-Type Platforms.** Plank-type platforms must be composed of not less than nominal 2 x 8 inch unspliced planks, connected together on the underside with cleats at intervals not exceeding 4 feet, starting 6 inches from each end. A bar or other effective means must be securely fastened to the platform at each end to prevent the platform from slipping off the hanger. The span between hangers for plank-type platforms must not exceed 10 feet.

(5) **Beam-Type Platforms.** Beam platforms must have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers must not exceed 12 feet when beam platforms are used. The flooring must be supported on 2 x 6 inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed to the cross beams. Floor-boards must not be spaced more than 1/2 inch apart.

(q)(1) "Multi-point adjustable suspension scaffolds and stonsetters' multi-point adjustable suspension scaffolds." No specific guidelines or tables are given for these scaffolds.

(q)(2) "Masons' multi-point adjustable suspension scaffolds." Maximum intended load — 50 lb/ft(2). Each outrigger beam must be at least a standard 7 inch, 15.3 pound steel I-beam, at least 15 feet long. Such beams must not project more than 6 feet 6 inches beyond the bearing point. Where the overhang exceeds 6 feet 6 inches, outrigger beams must be composed of stronger beams or multiple beams.

(r) "Catenary scaffolds."

(1) Maximum intended load — 500 lbs.

(2) Not more than two employees must be permitted on the scaffold at one time.

(3) Maximum capacity of come-along must be 2,000 lbs.

(4) Vertical pickups must be spaced not more than 50 feet apart.

(5) Ropes must be equivalent in strength to at least 1/2 inch (1.3 cm) diameter improved plow steel wire rope.

(s) "Float (ship) scaffolds."

(1) Maximum intended load — 750 lbs.

(2) Platforms must be made of 3/4 inch plywood, equivalent in rating to American Plywood Association Grade B-B, Group I, Exterior.

(3) Bearers must be made from 2 x 4 inch, or 1 x 10 inch rough lumber. They must be free of knots and other flaws.

(4) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(t) "Interior hung scaffolds."

Bearers (use on edge): 2 x 10 in.

Maximum intended load: Maximum span

25 lb/ft.(2): 10 ft.

50 lb/ft.(2): 10 ft.

75 lb/ft.(2): 7 ft.

(u) "Needle beam scaffolds."

Maximum intended load: 25 lb/ft.(2)

Beams: 4 x 6 in.

Maximum platform span: 8 ft.

Maximum beam span: 10 ft.

(1) Ropes must be attached to the needle beams by a scaffold hitch or an eye splice. The loose end of the rope must be tied by a bowline knot or by a round turn and a half hitch.

(2) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(v) "Multi-level suspension scaffolds." No additional guidelines or tables are being given for these scaffolds.

(w) "Mobile scaffolds." Stability test as described in the ANSI A92 series documents, as appropriate for the type of scaffold, can be used to establish stability for the purpose of WAC 296-24-86015 (23)(f)(ii).

(x) "Repair bracket scaffolds." No additional guidelines or tables are being given for these scaffolds.

(y) "Stilts." No specific guidelines or tables are given.

(z) "Tank builder's scaffold."

(1) The maximum distance between brackets to which scaffolding and guardrail supports are attached must be no more than 10 feet 6 inches.

(2) Not more than three employees must occupy a 10 feet 6 inch span of scaffold planking at any time.

(3) A taut wire or synthetic rope supported on the scaffold brackets must be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with WAC 296-24-86010 (7)(d), must be installed in order to reduce that open space to less than 12 inches (30.48 cm).

(4) Scaffold planks of rough full-dimensioned 2-inch (5.1 cm) x 12-inch (30.5 cm) Douglas Fir or Southern Yellow Pine of Select Structural Grade must be used. Douglas Fir planks must have a fiber stress of at least 1900 lb/in(2) (130,929 n/cm(2)) and a modulus of elasticity of at least 1,900,000 lb/in(2) (130,929,000 n/cm(2)), while Yellow Pine planks must have a fiber stress of at least 2500 lb/in(2) (172,275 n/cm(2)) and a modulus of elasticity of at least 2,000,000 lb/in(2) (137,820,000 n/cm(2)).

(5) Guardrails must be constructed of a taut wire or synthetic rope, and must be supported by angle irons attached to brackets welded to the steel plates. These guardrails must comply with WAC 296-24-86010 (7)(d) guardrail supports must be located at no greater than 10 feet 6 inch intervals.

#### **Nonmandatory Appendix C to Part J-2, List of National Consensus Standards.**

ANSI/SIA A92.2-1990 Vehicle-Mounted Elevating and Rotating Aerial Devices

ANSI/SIA A92.3-1990 Manually Propelled Elevating Aerial Platforms

ANSI/SIA A92.5-1990 Boom Supported Elevating Work Platforms

ANSI/SIA A92.6-1990 Self-Propelled Elevating Work Platforms

ANSI/SIA A92.7-1990 Airline Ground Support Vehicle-Mounted Vertical Lift Devices

ANSI/SIA A92.8-1993 Vehicle-Mounted Bridge Inspection and Maintenance Devices

ANSI/SIA A92.9-1993 Mast-Climbing Work Platforms

### **Nonmandatory Appendix D to Part J-2, List of Training Topics for Scaffold Erectors and Dismantlers.**

This Appendix D is provided to serve as a guide to assist employers when evaluating the training needs of employees erecting or dismantling supported scaffolds.

The Agency believes that employees erecting or dismantling scaffolds should be trained in the following topics:

- \*General Overview of Scaffolding
  - \*regulations and standards
  - \*erection/dismantling planning
  - \*PPE and proper procedures
  - \*fall protection
  - \*materials handling
  - \*access
  - \*working platforms
  - \*foundations
  - \*guys, ties and braces
- \*Tubular Welded Frame Scaffolds
  - \*specific regulations and standards
  - \*components
  - \*parts inspection
  - \*erection/dismantling planning
  - \*guys, ties and braces
  - \*fall protection
  - \*general safety
  - \*access and platforms
  - \*erection/dismantling procedures
  - \*rolling scaffold assembly
  - \*putlogs
- \*Tube and Clamp Scaffolds
  - \*specific regulations and standards
  - \*components
  - \*parts inspection
  - \*erection/dismantling planning
  - \*guys, ties and braces
  - \*fall protection
  - \*general safety
  - \*access and platforms
  - \*erection/dismantling procedures
  - \*buttresses, cantilevers, & bridges
- \*System Scaffolds
  - \*specific regulations and standards
  - \*components
  - \*parts inspection
  - \*erection/dismantling planning
  - \*guys, ties and braces
  - \*fall protection
  - \*general safety
  - \*access and platforms
  - \*erection/dismantling procedures
  - \*buttresses, cantilevers, & bridges

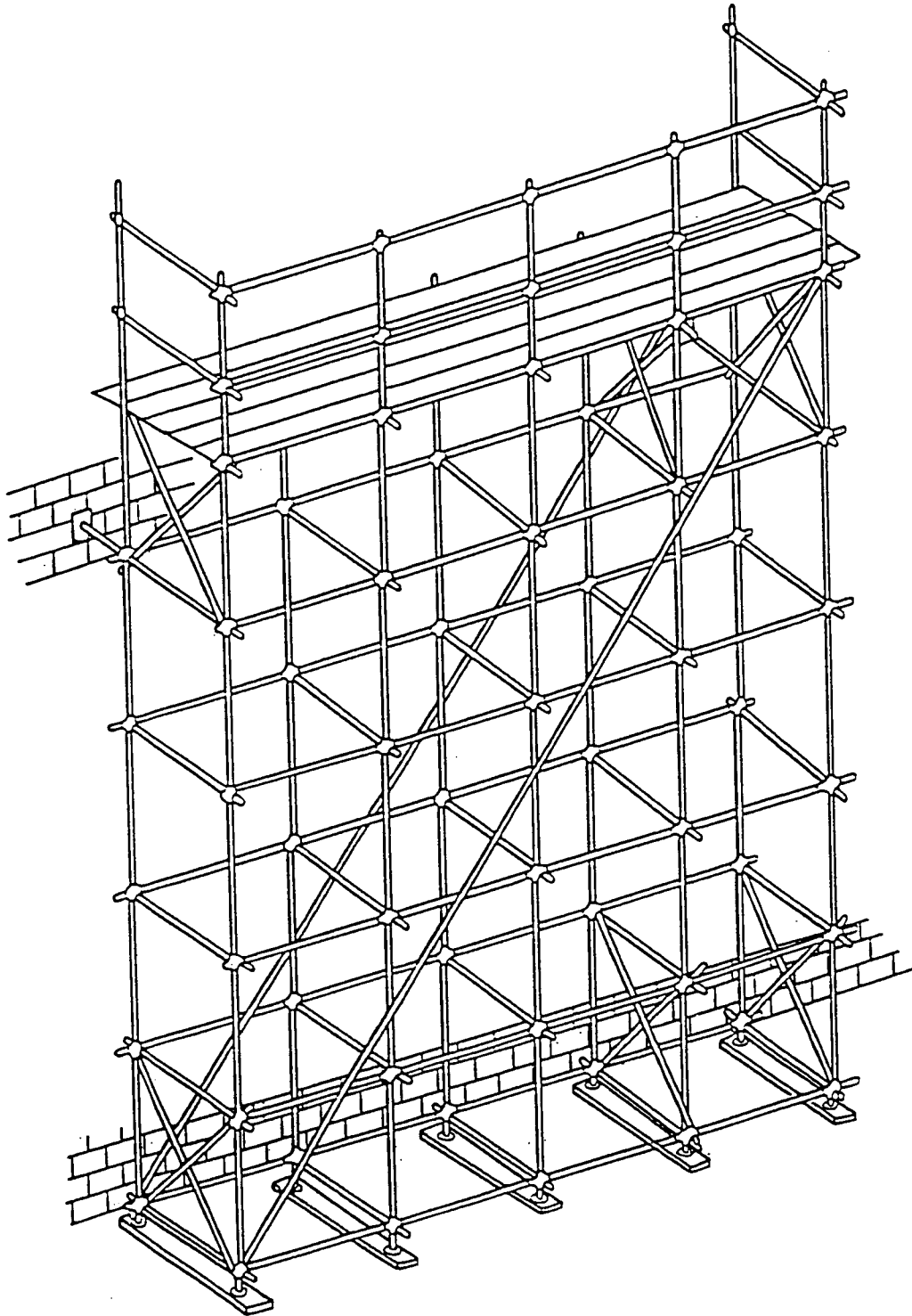
Scaffold erectors and dismantlers should all receive the general overview, and, in addition, specific training for the type of supported scaffold being erected or dismantled.

### **Nonmandatory Appendix E to Part J-2, Drawings and Illustrations.**

This Appendix provides drawings of particular types of scaffolds and scaffold components, and graphic illustrations of bracing patterns and tie spacing patterns.

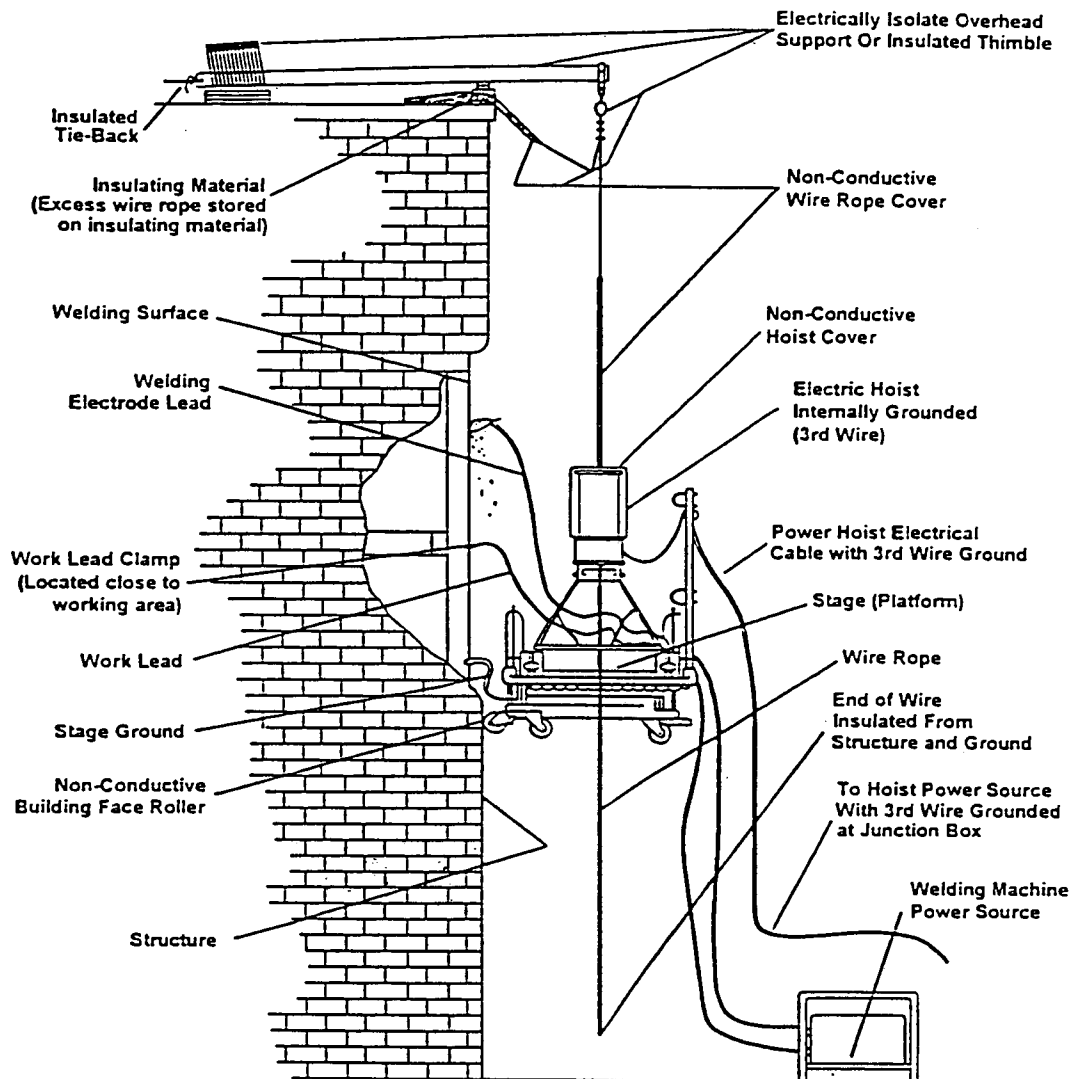
This Appendix is intended to provide visual guidance to assist the user in complying with the requirements of Part J-2, chapter 296-24 WAC.

# BRACING-TUBE & COUPLER SCAFFOLDS



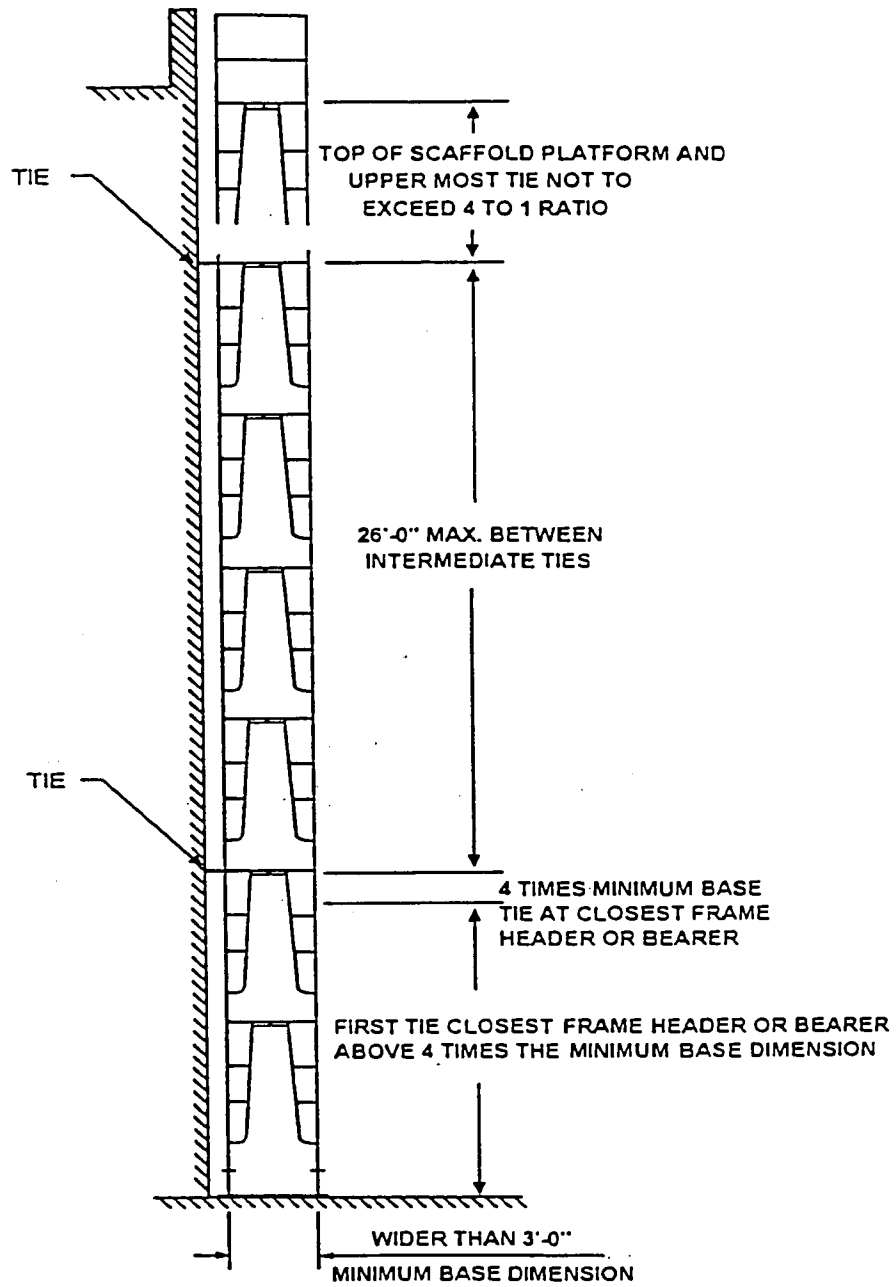
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### SUSPENDED SCAFFOLD PLATFORM WELDING PRECAUTIONS



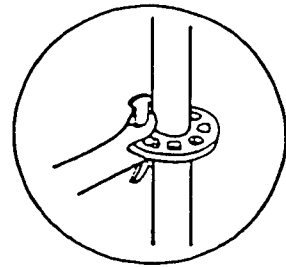
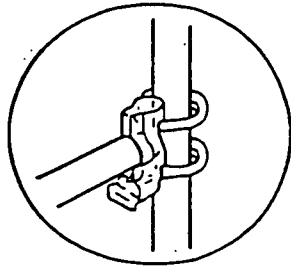
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MAXIMUM VERTICAL TIE SPACING WIDER THAN 3'-0" BASES

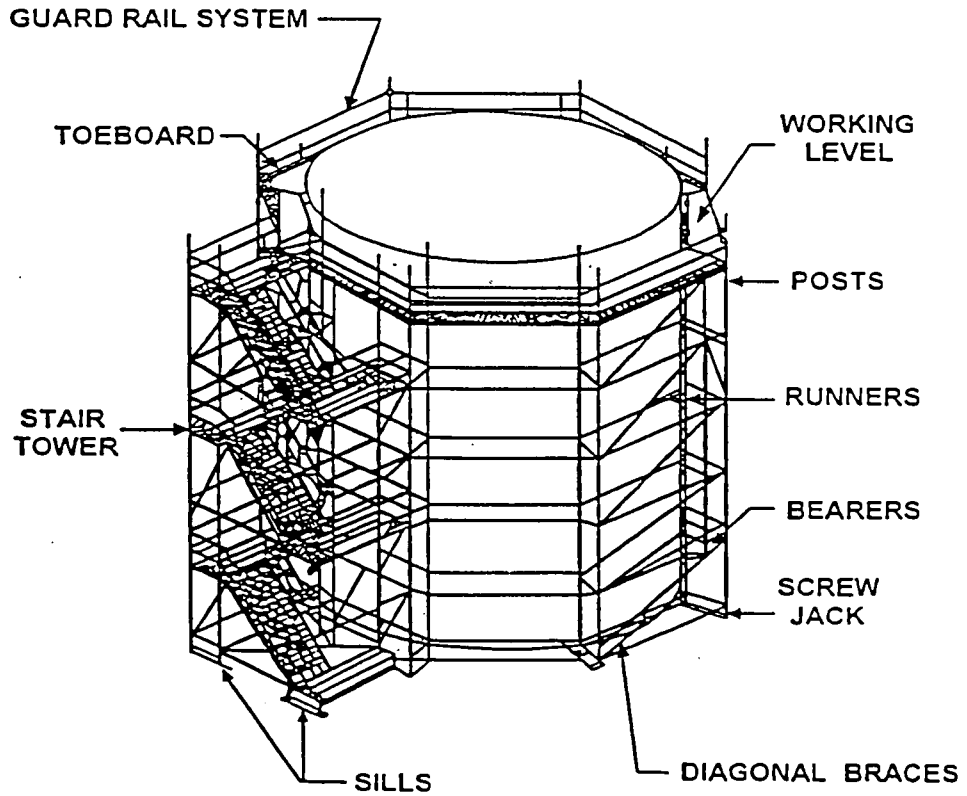
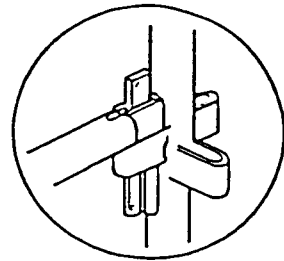
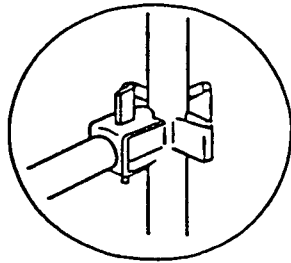


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# SYSTEM SCAFFOLD

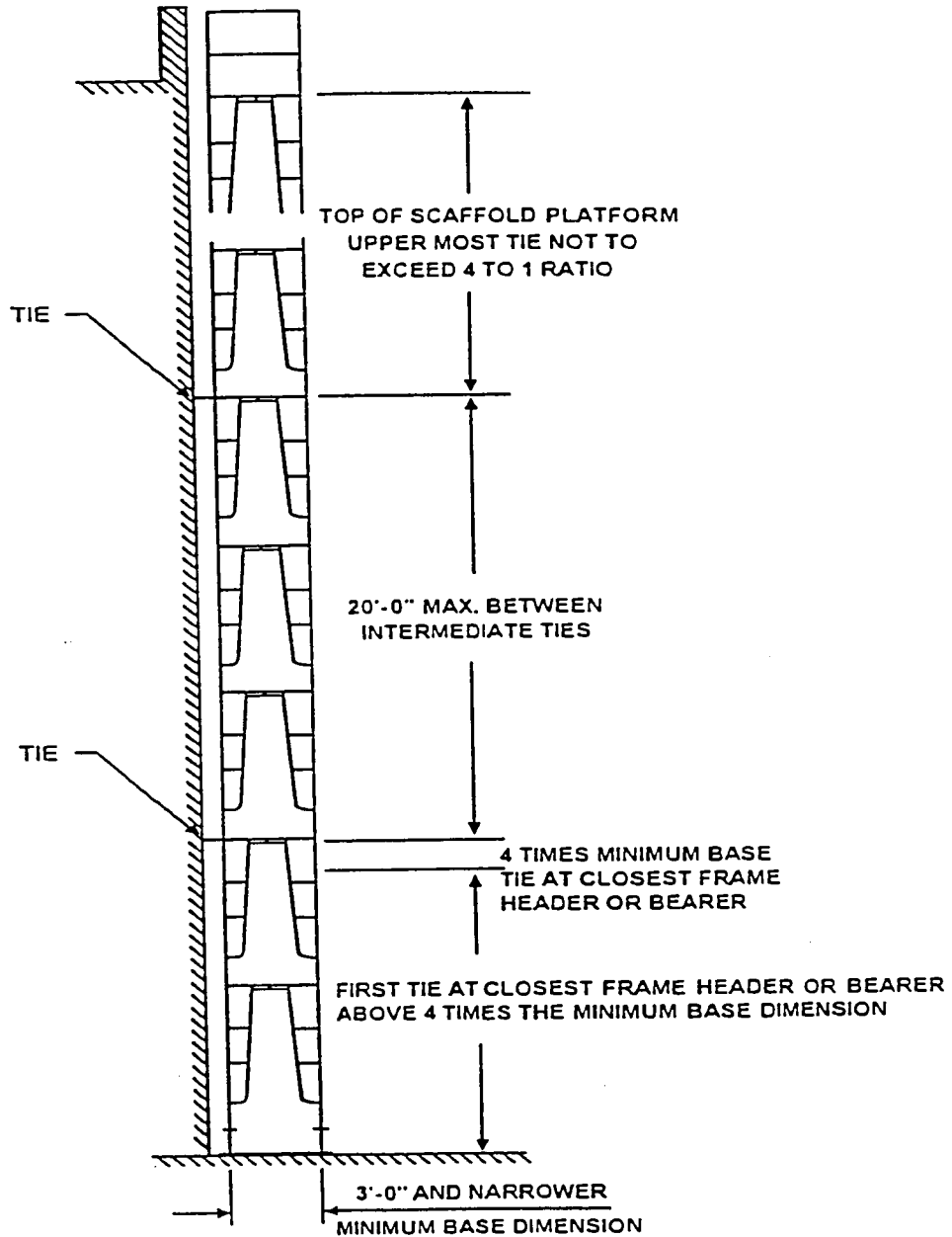


JOINT CONNECTIONS  
VARY ACCORDING  
TO MANUFACTURER



PERMANENT

# MAXIMUM VERTICAL TIE SPACING 3'-0" AND NARROWER BASES



PERMANENT

SPIB® DNS IND 65  
 KO19 S-DRY (7)  
 SCAFFOLD PLANK

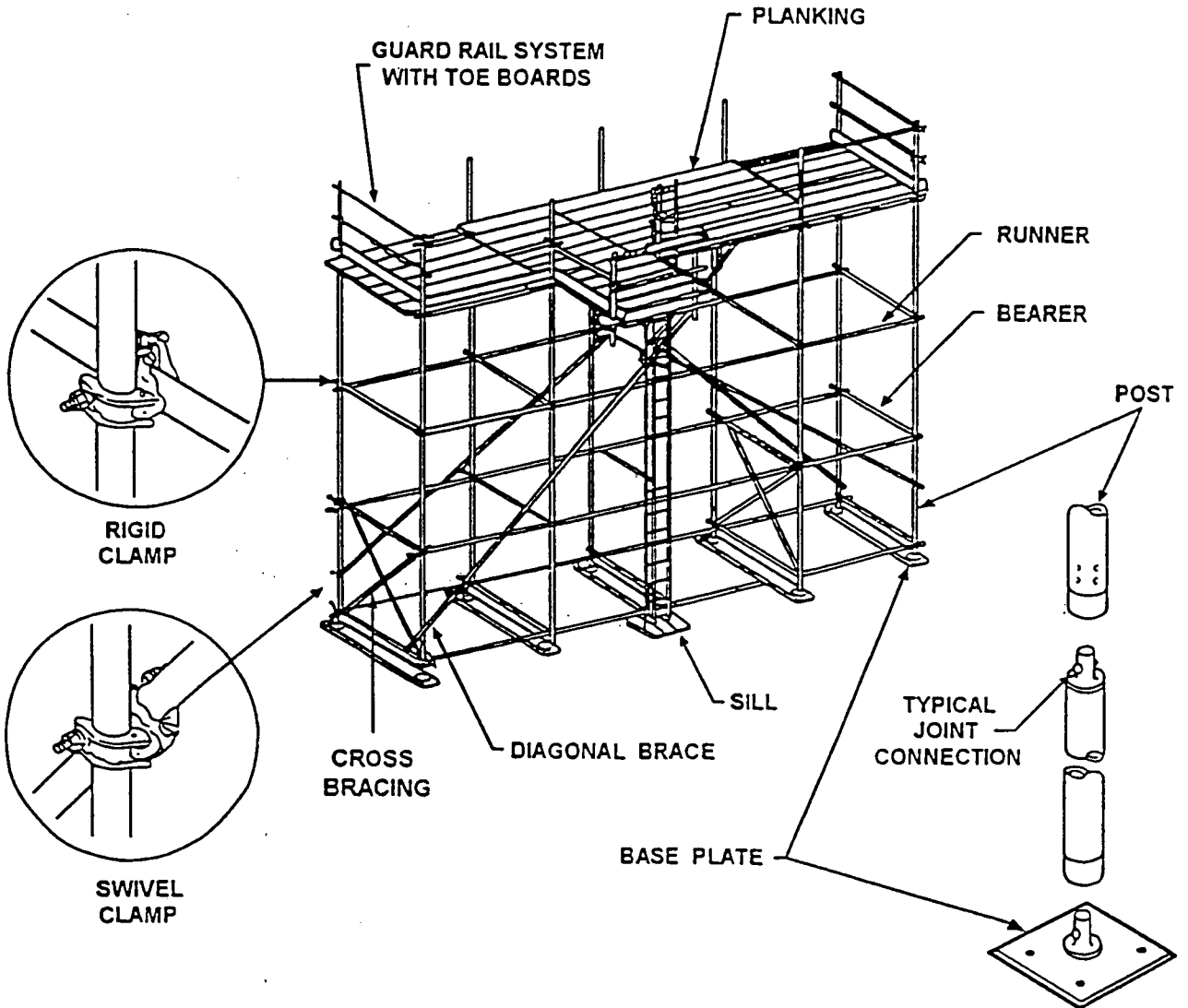
Grade stamp courtesy of Southern Pine Inspection Bureau



Grade stamp courtesy of West Coast Lumber Inspection Bureau

MILL 10  
 SEL STR  
 SCAF PLK  
 D. FIR S. DRY

### TUBE AND COUPLER SCAFFOLD

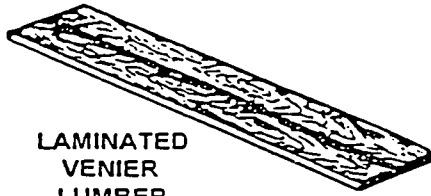


NOTE: ALL TIES SHOULD BE LOCATED AT CLAMP LOCATIONS.

PERMANENT



### SCAFFOLDING WORK SURFACES

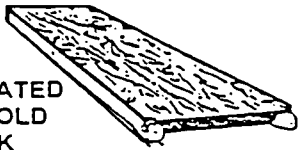


LAMINATED  
VENIER  
LUMBER  
(LVL)

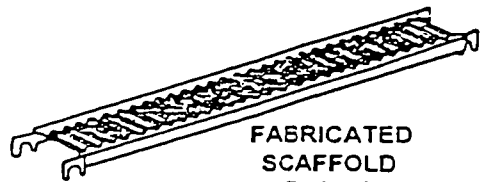


SOLID  
SAWN  
LUMBER

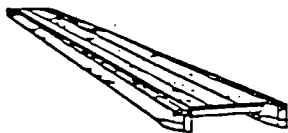
#### SCAFFOLD PLANKS



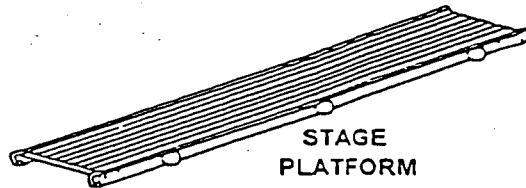
FABRICATED  
SCAFFOLD  
DECK



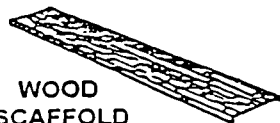
FABRICATED  
SCAFFOLD  
PLANK



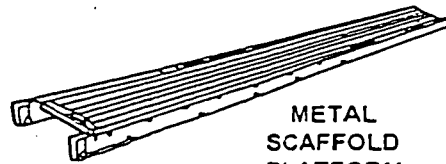
DECORATOR PLANK



STAGE  
PLATFORM



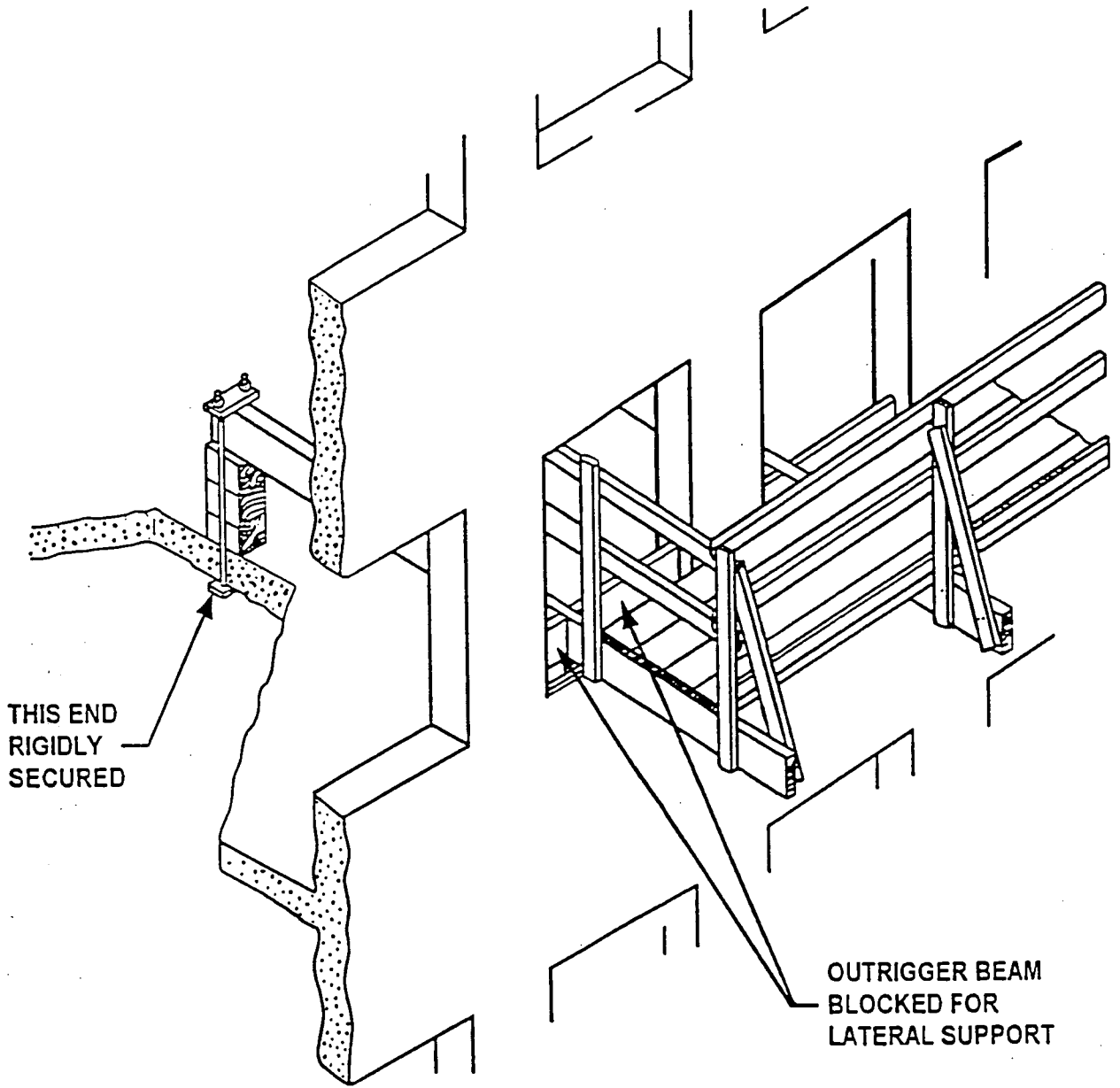
WOOD  
SCAFFOLD  
PLATFORM



METAL  
SCAFFOLD  
PLATFORM

PERMANENT

# OUTRIGGER SCAFFOLD



PERMANENT

**PART J-3  
POWERED PLATFORMS**

**NEW SECTION**

**WAC 296-24-875 Elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms must be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, must be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, must not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface must also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability must be clearly outlined in the special warnings section of the operating instructions and users must follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions must require their use and such outriggers or stabilizers must be provided and used.

(e) The platform width must not be less than eighteen inches and must be provided with a surface to minimize slipping.

(f) The platform must be provided with a guardrail or other structure around its upper periphery and the guardrail must be at least thirty-eight inches high but no more than forty-five inches high, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system must be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail must withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts must withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform must be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform must include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way must have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs must be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform must have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components must have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above must apply.

(f) The control system must be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(7) Directional controls.

(a) All directional controls must be marked for the direction they control and must be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls must be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines must be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems must comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system must be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform must be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information must be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer must clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard must be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) must be provided with each work platform and must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load must be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers' responsibilities must be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel must be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition must be removed from service until repaired.

(d) Repairs must be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators must be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms must be made only with written permission of the manufacturer or any other equivalent entity.

#### NEW SECTION

**WAC 296-24-87505 Self-propelled elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms must be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms must not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform must have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) must have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests must be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground must sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test must include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit must use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks must prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks must also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure must be provided around its upper periphery, which must be at least thirty-eight inches high but no more than forty-five inches high, a mid-rail, and toeboards which must be not less than four inches high (nominal dimension). Guardrail and midrail chains, or

the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform must have a minimum width of eighteen inches. Proper access must be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface must be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains must not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems must have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components must have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform must be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) Directional controls must move in the direction of the function they control. The controls must be of the type that automatically return to the off or the neutral position when released.

(b) Such controls must be protected against inadvertent operation and must be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a mini-

imum. They must be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers. The lines must be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform must be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information must be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer must clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard must be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load must be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform must be provided with an appropriate manual. The manual must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition must be removed from service until it is repaired.

(c) All repairs must be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it must be given a thorough inspection, which must include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection must be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items must be corrected before further use of the work platform.

(e) Before the work platform is used, the operator must survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform must be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits must never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator must limit travel speed according to conditions. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height must be prohibited.

(g) The operator must immediately report defects or malfunctions which become evident during operation and must stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks must be prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks must not be filled while the engine is running. Spillage must be avoided.

(17) Batteries must not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms must be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

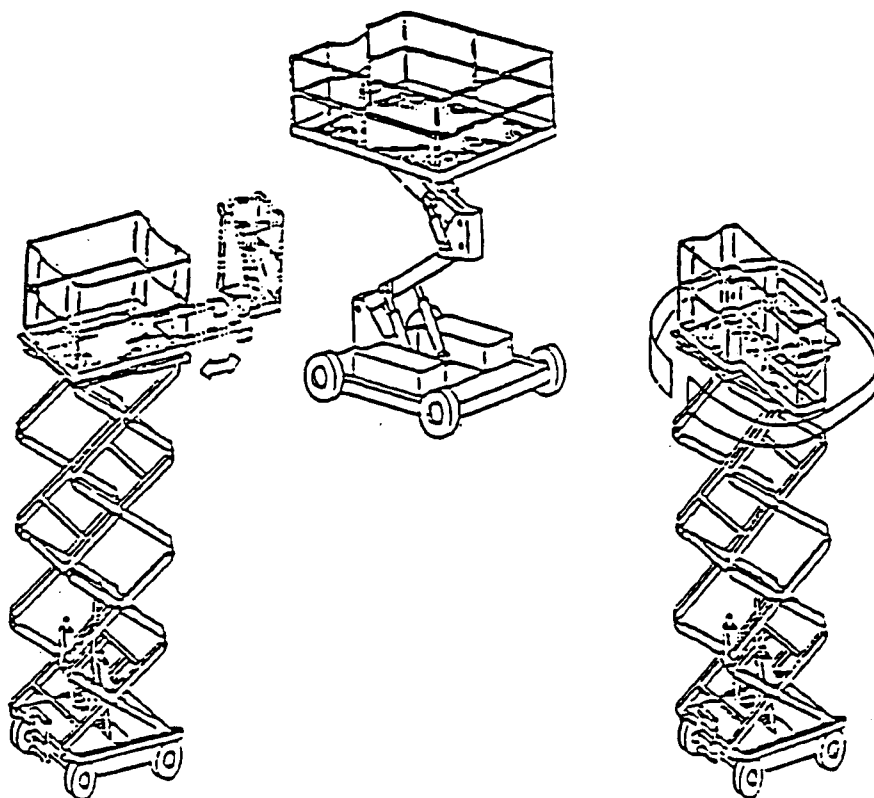


Fig. 1  
Examples of Work Platforms

## NEW SECTION

**WAC 296-24-87510 Boom supported elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms must be in accordance with ANSI A92.5-1992.

(2) Minimum rated work load. The minimum rated work load of a work platform must be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings must include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings must have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer must install

means by which that angle can be determined. Such means must be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform must have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking must have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor must be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress must include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1992.

(5) Platform stability.

(a) Each work platform must be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its

entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform must sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load must be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

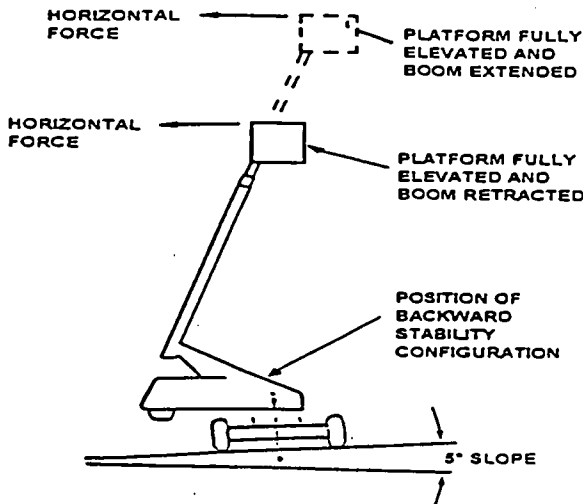
(ii) The work platform must remain stable during this test.

(iii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform must be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.



(6) Work platform design requirement. The work platform must be provided with a guardrail or other structure at least thirty-eight inches high but no more than forty-five inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces must be skid resistant.

(b) Attachment points must be provided for a full body harness and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms must have both primary and secondary controls.

(a) Primary controls must be readily accessible to the operator on the platform.

(b) Secondary controls must be designed to override the primary controls and must be readily accessible from ground level.

(c) Both primary and secondary controls must be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls must move in the direction of the function which they control when possible, and must be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls must be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks must be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits must ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms must be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms must be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms must be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems must have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components must have a minimum bursting strength of two times the operating pressure for which the system is designed.

PERMANENT



(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers and must be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There must be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives must be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard must be stated.

(h) The rated work load must be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform must be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition must be removed from service until repaired.

(c) All repairs must be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform must be inspected for defects that would affect its safe operation and use. The inspection must consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items must be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items must be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site must be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform must be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1990 and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load must never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks

must be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator must limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer must be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform for achieving additional height must be prohibited.

(g) The operators must immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation must be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks must not be filled while the engine is running. Caution must be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries must not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There must be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1992 and this standard.

## NEW SECTION

**WAC 296-24-87515 Aerial lifts.** (1) "General requirements."

(a) Unless otherwise provided in this section, aerial lifts acquired for use on or after January 22, 1973, must be designed and constructed in conformance with the applicable requirements of the American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including Appendix. Aerial lifts acquired before January 22, 1973, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they must have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to job-sites above ground:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any such devices. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(2) "Specific requirements."

(a) Ladder trucks and tower trucks:

(i) Aerial ladders must be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(ii) A full body harness must be worn and a lanyard attached to the ladder rail or tower when working from ladder trucks or tower trucks.

(b) Extensible and articulating boom platforms.

(i) Lift controls must be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons must operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift must not be permitted.

(iv) Employees must always stand firmly on the floor of the basket, and must not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A full body harness must be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer must not be exceeded.

(vii) The brakes must be set and when outriggers are used, they must be positioned on pads or a solid surface. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck must not be moved when the boom is elevated in a working position with workers in the basket, except for equipment which is specifically designed

for this type of operation in accordance with the provisions of subsection (1)(a) and (b) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, must have both platform (upper) and lower controls. Upper controls must be in or beside the platform within easy reach of the operator. Lower controls must provide for overriding the upper controls. Controls must be plainly marked as to their function. Lower level controls must not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers must not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift must not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) must be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in (b)(viii) of this subsection.

(c) Electrical tests. All electrical tests must conform to the requirements of ANSI A92.2-1990 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in ANSI A92.2-1990; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity must be considered an equivalent test for the purpose of this subsection (2)(c).

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1990, section 4.9 Bursting Safety Factor must apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components must have a bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding must conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

Note: Nonmandatory Appendix C to this part lists examples of national consensus standards that are considered to provide employee protection equivalent to that provided through the application of ANSI A92.2-1990, where appropriate. Copies may be obtained from the American National Standards Institute.

## NEW SECTION

**WAC 296-24-880 Power platforms for exterior building maintenance.** (1) Scope. This section covers powered platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures. This section does not apply to suspended scaffolds (swinging scaffolds) used to service buildings on a temporary basis and covered under Part J-2 of this chapter, nor to suspended scaffolds used for construction work and covered under Part J-1 of chapter 296-155 WAC. Building maintenance includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing, and reglazing.

(2) Application.

(a) New installations. This section applies to all permanent installations completed after July 23, 1990. Major modifications to existing installations completed after that date are also considered new installations under this section.

(b) Existing installations.

(i) Permanent installations in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and 296-24-88050.

(ii) In addition, permanent installations completed after August 27, 1971, and in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88055.

(3) Assurance.

(a) Building owners of new installations must inform the employer before each use in writing that the installation meets the requirements of WAC 296-24-88015(1) and 296-24-88020(1) and the additional design criteria contained in other provisions of WAC 296-24-88015 and 296-24-88020 relating to: Required load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(b) Building owners must base the information required in (a) of this subsection on the results of a field test of the installation before being placed into service and following any major alteration to an existing installation, as required in WAC 296-24-88010(1). The assurance must also be based on all other relevant available information, including, but not limited to, test data, equipment specifications and verification by a registered professional engineer.

(c) Building owners of all installations, new and existing, must inform the employer in writing that the installation has been inspected, tested and maintained in compliance with the requirements of WAC 296-24-88010 and 296-24-88025 and that all protection anchorages meet the requirements of WAC 296-24-88050 (3)(j), Appendix C.

(d) The employer shall not permit employees to use the installation prior to receiving assurance from the building owner that the installation meets the requirements contained in (a) and (c) of this subsection.

## NEW SECTION

**WAC 296-24-88005 Definitions.** Anemometer. An instrument for measuring wind velocity.

Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

ANSI. American National Standards Institute.

Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

**Brake-disc type.** A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

**Brake-self-energizing band type.** An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

**Brake-shoe type.** A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

**Building face rollers.** A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

**Building maintenance.** Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

**Cable.** A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

**Carriage.** A wheeled vehicle used for the horizontal movement and support of other equipment.

**Certification.** A written, signed, and dated statement confirming the performance of a requirement of this section.

**Combination cable.** A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

**Competent person.** One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

**Continuous pressure.** Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

**Control.** A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

**Controller.** A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

**Davit.** A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

**Electrical ground.** A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

**Equivalent.** Alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

**Ground rigging.** A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

**Ground rigged davit.** A davit which cannot be used to raise a suspended working platform above the building face being serviced.

**Guide button.** A building face anchor designed to engage a guide track mounted on a platform.

**Guide roller.** A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

**Guide shoe.** An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

**Hoisting machine.** A device intended to raise and lower a suspended or supported unit.

**Hoist rated load.** The hoist manufacturer's maximum allowable operating load.

**Installation.** All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

**Interlock.** A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

**Intermittent stabilization.** A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

**Lanyard.** A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

**Lifeline.** A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**Live load.** The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

**Obstruction detector.** A control that will stop the suspended or supported unit in the direction of travel if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

**Operating control.** A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

**Operating device.** A pushbutton, lever, or other manual device used to actuate a control.

**Outrigger.** A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing

vertical components acting into two or more distinct roof points and/or attachments.

**Platform rated load.** The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

**Poured socket.** The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

**Powered platform.** Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

**Primary brake.** A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

**Prime mover.** The source of mechanical power for a machine.

**Rated load.** The manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

**Rated strength.** The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

**Rated working load.** The combined static weight of workers, materials, and suspended or supported equipment.

**Registered professional engineer.** A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

**Relay, direction.** An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

**Relay, potential for vertical travel.** An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

**Roof car.** A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on a roof car.

**Roof rigged davit.** A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

**Rope.** The equipment used to suspend a component of an equipment installation, i.e., wire rope.

**Safe surface.** A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

**Secondary brake.** A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

**Self-powered platform.** A powered platform having the raising and lowering mechanism located on the working platform.

**Speed reducer.** A positive type speed reducing machine.

**Stability factor.** The ratio of the stabilizing moment to the overturning moment.

**Stabilizer tie.** A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

**Supported equipment.** Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

**Suspended equipment.** Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

**Suspended scaffold (swinging scaffold).** A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

**Tail line.** The nonsupporting end of the wire rope used to suspend the platform.

**Tie-in guides.** The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

**Traction hoist.** A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

**Transportable outriggers.** Outriggers designed to be moved from one work location to another.

**Traveling cable.** A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

**Trolley carriage.** A carriage suspended from an overhead track structure.

**Verified.** Accepted by design, evaluation, or inspection by a registered professional engineer.

**Weatherproof.** Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

**Winding drum hoist.** A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

**Working platform.** The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

**Wrap.** One complete turn of the suspension wire rope around the surface of a hoist drum.

**Yield point.** The stress at which the material exhibits a permanent set of 0.2 percent.

**Zinc fastenings.** The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

**NEW SECTION**

**WAC 296-24-88010 Inspections and tests.** (1) Installations and alterations. All completed building maintenance equipment installations must be inspected and tested in the field before being placed in initial service to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test must be made following any major alteration to an existing installation. No hoist in an installation must be subjected to a load in excess of 125 percent of its rated load.

(2) Periodic inspections and tests.

(a) Related building supporting structures must undergo periodic inspection by a competent person at intervals not exceeding 12 months.

(b) All parts of the equipment including control systems must be inspected, and, where necessary, tested by a competent person at intervals specified by the manufacturer/supplier, but not to exceed 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors must be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(c) The building owner must keep a certification record of each inspection and test required under (a) and (b) of this subsection. The certification record must include the date of the inspection, the signature of the person who performed the inspection, and the number, or other identifier, of the building support structure and equipment which was inspected. This certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(d) Working platforms and their components must be inspected by the employer for visible defects before every use and after each occurrence which could affect the platform's structural integrity.

(3) Maintenance, inspections and tests.

(a) A maintenance inspection and, where necessary, a test must be made of each platform installation every 30 days, or where the work cycle is less than 30 days such inspection and/or test must be made prior to each work cycle. This inspection and test must follow procedures recommended by the manufacturer, and must be made by a competent person.

(b) The building owner must keep a certification record of each inspection and test performed under (a) of this subsection. The certification record must include the date of the inspection and test, the signature of the person who performed the inspection and/or test, and an identifier for the platform installation which was inspected. The certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(4) Special inspection of governors and secondary brakes.

(a) Governors and secondary brakes must be inspected and tested at intervals specified by the manufacturer/supplier but not to exceed every 12 months.

(b) The results of the inspection and test must confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(c) The results of the inspection and test must confirm that the secondary brake is functioning properly.

(d) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components must be reinspected prior to returning the equipment installation to service.

(e) Inspection of governors and secondary brakes must be performed by a competent person.

(f) The secondary brake governor and actuation device must be tested before each day's use. Where testing is not feasible, a visual inspection of the brake must be made instead to ensure that it is free to operate.

(5) Adverse weather. The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) Suspension wire rope maintenance, inspection and replacement.

(a) Suspension wire rope must be maintained and used in accordance with procedures recommended by the wire rope manufacturer.

(b) Suspension wire rope must be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence which might affect the wire rope's integrity.

(c) A thorough inspection of suspension wire ropes in service must be made once a month. Suspension wire ropes that have been inactive for 30 days or longer must have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes must be performed by a competent person.

(d) The need for replacement of a suspension wire rope must be determined by inspection and must be based on the condition of the wire rope. Any of the following conditions or combination of conditions will be cause for removal of the wire rope:

(i) Broken wires exceeding three wires in one strand or six wires in one rope lay;

(ii) Distortion of rope structure such as would result from crushing or kinking;

(iii) Evidence of heat damage;

(iv) Evidence of rope deterioration from corrosion;

(v) A broken wire within 18 inches (460.8 mm) of the end attachments;

(vi) Noticeable rusting and pitting;

(vii) Evidence of core failure (a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter suggests core failure); or

(viii) More than one valley break (broken wire);

(ix) Outer wire wear exceeds one-third of the original outer wire diameter;

(x) Any other condition which the competent person determines has significantly affected the integrity of the rope.

(e) The building owner must keep a certification record of each monthly inspection of a suspension wire rope as required in subdivision (c) of this subsection. The record must include the date of the inspection, the signature of the person who performed the inspection, and a number, or other identifier, of the wire rope which was inspected. This record of inspection must be made available for review by the director or an authorized representative and by the employer.

(7) Hoist inspection. Before lowering personnel below the top elevation of the building, the hoist must be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

#### NEW SECTION

**WAC 296-24-88015 Powered platform installations—Affected parts of buildings.** (1) General requirements. The following requirements apply to affected parts of buildings which utilize working platforms for building maintenance.

(a) Structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) Exterior installations must be capable of withstanding prevailing climatic conditions;

(c) The building installation must provide safe access to, and egress from, the equipment and sufficient space to conduct necessary maintenance of the equipment;

(d) The affected parts of the building must have the capability of sustaining all the loads imposed by the equipment; and

(e) The affected parts of the building must be designed so as to allow the equipment to be used without exposing employees to a hazardous condition.

(2) Tie-in guides.

(a) The exterior of each building must be provided with tie-in guides unless the conditions in (b) or (c) of this subsection are met.

Note: See Figure 1 in Appendix B of this section for a description of a typical continuous stabilization system utilizing tie-in guides.

(b) If angulated roping is employed, tie-in guides required in (a) of this subsection may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building, if infeasible due to exterior building design, provided an angulation force of at least 10 pounds (44.4 n) is maintained under all conditions of loading.

(c) Tie-in guides required in (a) of this subsection may be eliminated if one of the guide systems in items (i), (ii), or (iii) of this subdivision is provided, or an equivalent.

(i) Intermittent stabilization system. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. The system may be used together with continuous positive building guide systems using tie-in guides on the same building, provided the requirements for each system are met.

(A) The maximum vertical interval between building anchors must be 3 floors or 50 feet (15.3 m), whichever is less.

(B) Building anchors must be located vertically so that attachment of the stabilizer ties will not cause the platform suspension ropes to angulate the platform horizontally across the face of the building. The anchors must be positioned hor-

izontally on the building face so as to be symmetrical about the platform suspension ropes.

(C) Building anchors must be easily visible to employees and must allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval. If more than two suspension ropes are used on a platform, only the two building-side suspension ropes at the platform ends must require a stabilizer attachment.

(D) Building anchors which extend beyond the face of the building must be free of sharp edges or points. Where cables, suspension wire ropes and lifelines may be in contact with the building face, external building anchors must not interfere with their handling or operation.

(E) The intermittent stabilization system building anchors and components must be capable of sustaining without failure at least 4 times the maximum anticipated load applied or transmitted to the components and anchors. The minimum design wind load for each anchor must be 300 (1334 n) pounds, if 2 anchors share the wind load.

(F) The building anchors and stabilizer ties must be capable of sustaining anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on a building face. If the building anchors have different spacing than the suspension wire rope or if the building requires different suspension spacings on one platform, one building anchor and stabilizer tie must be capable of sustaining the wind loads.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(ii) Button guide stabilization system.

(A) Guide buttons must be coordinated with platform mounted equipment of WAC 296-24-88020 (5)(f).

(B) Guide buttons must be located horizontally on the building face so as to allow engagement of each of the guide tracks mounted on the platform.

(C) Guide buttons must be located in vertical rows on the building face for proper engagement of the guide tracks mounted on the platform.

(D) Two guide buttons must engage each guide track at all times except for the initial engagement.

(E) Guide buttons which extend beyond the face of the building must be free of sharp edges or points. Where cables, ropes and lifelines may be in contact with the building face, guide buttons must not interfere with their handling or operation.

(F) Guide buttons, connections and seals must be capable of sustaining without damage at least the weight of the platform, or provision must be made in the guide tracks or guide track connectors to prevent the platform and its attachments from transmitting the weight of the platform to the guide buttons, connections and seals. In either case, the minimum design load must be 300 pounds (1334 n) per building anchor.

Note: See WAC 296-24-88020 (5)(f) for relevant equipment provisions.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(iii) System utilizing angulated roping and building face rollers. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. This system is acceptable only where the suspended portion of the equipment in use does not exceed 130 feet (39.6 m) above a safe surface or ground level, and where the platform maintains no less than 10 pounds (44.4 n) angulation force on the building facade.

(d) Tie-in guides for building interiors (atriums) may be eliminated when a registered professional engineer determines that an alternative stabilization system, including systems in (c)(i), (ii), and (iii) of this subsection, or a platform tie-off at each work station will provide equivalent safety.

(3) Roof guarding.

(a) Employees working on roofs while performing building maintenance must be protected by a perimeter guarding system which meets the requirements of WAC 296-24-75007(1).

(b) The perimeter guard must not be more than 6 inches (152 mm) inboard of the inside face of a barrier, i.e. the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location must not exceed an 18 inch (457 mm) setback from the exterior building face.

(4) Equipment stops. Operational areas for trackless type equipment must be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(5) Maintenance access. Means must be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage.

(6) Elevated track.

(a) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, must be provided with a walkway and guardrail system; or

(b) The working platform must be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and must be provided with a safe means of access and egress to the lower safe surface.

(7) Tie-down anchors. Imbedded tie-down anchors, fasteners, and affected structures must be resistant to corrosion.

(8) Cable stabilization.

(a) Hanging lifelines and all cables not in tension must be stabilized at each 200 foot (61 m) interval of vertical travel of the working platform beyond an initial 200 foot (61 m) distance.

(b) Hanging cables, other than suspended wire ropes, which are in constant tension must be stabilized when the vertical travel exceeds an initial 600 foot (183 m) distance, and at further intervals of 600 feet (183 m) or less.

(9) Emergency planning. A written emergency action plan must be developed and implemented for each kind of working platform operation. This plan must explain the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan must also include that employees be informed about the building emergency escape routes, procedures and alarm systems before operating a platform.

Upon initial assignment and whenever the plan is changed the employer must review with each employee those parts of the plan which the employee must know to protect himself or herself in the event of an emergency.

(10) Building maintenance. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment must not affect the capability of the building to meet the requirements of this standard.

(11) Electrical requirements. The following electrical requirements apply to buildings which utilize working platforms for building maintenance.

(a) General building electrical installations must comply with chapter 296-24 WAC Part L, unless otherwise specified in this section;

(b) Building electrical wiring must be of such capacity that when full load is applied to the equipment power circuit not more than a five percent drop from building service vault voltage must occur at any power circuit outlet used by equipment regulated by this section;

(c) The equipment power circuit must be an independent electrical circuit that must remain separate from all other equipment within or on the building, other than power circuits used for hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment power circuit may also be connected to this system;

(d) The power circuit must be provided with a disconnect switch that can be locked in the "off" and "on" positions. The switch must be conveniently located with respect to the primary operating area of the equipment to allow the operators of the equipment access to the switch;

(e) The disconnect switch for the power circuit must be locked in the "on" position when the equipment is in use; and

(f) An effective two-way voice communication system must be provided between the equipment operators and persons stationed within the building being serviced. The communications facility must be operable and must be manned at all times by persons stationed within the building whenever the platform is being used.

#### NEW SECTION

**WAC 296-24-88020 Powered platform installations—Equipment.** (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design must provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service must be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and



(d) Equipment that is exposed to wind when in service must be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections must be self-locking or must otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment must be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment must comply with the following:

(i) The horizontal movement of a carriage must be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages must not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface must not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs must be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage must be of a continuous pressure weatherproof type. Multiple controls when provided must be arranged to permit operation from only one control station at a time. An emergency stop device must be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) must be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages must be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning must not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value must include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation must be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning must be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, must be provided that will prevent unin-

tentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, must be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage must be provided;

(xi) Safe access to and egress from the carriage must be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage must be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate must be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position must be identified by location markings and/or position indicators; and

(xiii) The motors must stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2).

(ii) Transportable outriggers must be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger must be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage must be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform must be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger must be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design must be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger must be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger must be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger must be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope must be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable must be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform must be from a safe surface. Access or egress must not

require persons to climb over a building's parapet or guard railing; and

(B) The working platform must be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension must not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2);

(B) Access and egress to and from the working platform must only be from a safe surface below the point of suspension.

(iv) A rotating davit must not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) must be provided with a means for its transport, which must keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit must be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means must be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment must be performed only by a hoisting machine.

(b) Each hoisting machine must be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine must be powered only by air, electric or hydraulic sources.

(d) Flammable liquids must not be carried on the working platform.

(e) Each hoisting machine must be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine must be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines must be compatible with, and sized for, the wire rope used.

(h) Each winding drum must be provided with a positive means of attaching the wire rope to the drum. The attachment must be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine must be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake must be directly connected to the drive train of the hoisting machine, and must not be connected through belts, chains, clutches, or set screw type

devices. The brake must automatically set when power to the prime mover is interrupted.

(ii) The secondary brake must be an automatic emergency type of brake that, if actuated during each stopping cycle, must not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it must stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning must be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, must be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component must be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit must be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit must be capable of remaining continuously stable under all conditions of use and position of the live load, and must maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers must be provided, and must compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit must be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-88015 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-88015 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-88015 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-88015 (2)(c)(iii).

(vii) Each working platform of a suspended unit must be provided with a guardrail system on all sides which must meet the following requirements:

(A) The system must consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail must not be less than 38 inches (950 mm) high and must be able to withstand at least a 200-pound (890 n) force in any downward or outward direction;

(C) The midrail must be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, must be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot

(.09 m<sup>2</sup>). The material must have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards must be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards must be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards must be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards must be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform must be not less than 24 inches (610 mm) wide and must be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring must be of a slip-resistant type and must contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it must be protected by placing a material under the opening which must prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform must be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform must be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform must be of the continuous-pressure type, and must be located on the platform.

(vi) Each operating station of every working platform must be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform must not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions must be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 must be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, must be provided by stairs, ladders, platforms and runways conforming to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC. Access gates must be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface must be provided with a guardrail system or ladder handrails that conform to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC.

(xii) The platform must be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline must be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device must be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device must be mounted in a secured compartment, and the compartment must be labeled with instructions for use. A means for opening the compartment must be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection must also apply to a single point working platform.

(ii) Each single point suspended working platform must be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms must comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building must be disconnected from a ground-rigged working platform, and the platform must be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie must be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and must be resistant to adverse environmental conditions.

(iii) The platform must be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers must not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms must allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length must be maintained at all building anchor locations.

(vi) The platform must be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties must not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes must not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes must be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform must engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system must be provided with a storage position on the platform.

(iv) Each guide track on the platform must be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks must be mounted on the platform and must provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform must be capable of supporting the weight of the platform, or provision must be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment must maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means must be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes must be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides must be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment must comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation must use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections must be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope must have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and must be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F= Design factor

S= Manufacturer's rated strength of one suspension rope

N= Number of suspension ropes under load

W= Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade must be at least improved plow steel or equivalent.

(d) Suspension wire ropes must be sized to conform with the required design factor, but must not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays must be permitted.

(f) A corrosion-resistant tag must be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag must bear the following wire rope data:

(i) The diameter (inches and/or mm);

(ii) Construction classification;

(iii) Whether nonpreformed or preformed;

(iv) The grade of material;

(v) The manufacturer's rated strength;

(vi) The manufacturer's name;

(vii) The month and year the ropes were installed; and

(viii) The name of the person or company which installed the ropes.

(g) A new tag must be installed at each rope renewal.

(h) The original tag must be stamped with the date of the resocketing, or the original tag must be retained and a supplemental tag must be provided when ropes are resocketed. The supplemental tag must show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists must contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists must be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment must comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems must be of a type designed for use in exterior locations, and must be located so that they do not come into contact with accumulated snow or water.

(c) Cables must be protected against damage resulting from over-tensioning or from other causes.

(d) Devices must be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system must have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment must have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements must apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) must be provided and so connected that the operating devices for the suspended or supported equipment must be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection must be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector must be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch must only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels must be provided.

(h) Emergency stop switches must be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension must have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices must be coordinated with other overload settings at the time of design of the system, and must be clearly indicated on or near the device. The device must interrupt the equipment travel in the "down" direction.

#### NEW SECTION

**WAC 296-24-88025 Maintenance.** (1) General maintenance. All parts of the equipment affecting safe operation must be maintained in proper working order so that they may

perform the functions for which they were intended. The equipment must be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays must be kept clean.

(b) All other parts must be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings must be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes must conform to the requirements of WAC 296-24-88020(7).

(c) Limit switches affected by the resocketed ropes must be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes must be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment must be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a building must be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers must similarly be maintained in proper working order.

(7) Inoperative safety devices. No person must render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device must be restored to its normal operating condition.

#### NEW SECTION

**WAC 296-24-88030 Operations.** (1) Training.

(a) Working platforms must be operated only by persons who are proficient in the operation, safe use and inspection of the particular working platform to be operated.

(b) All employees who operate working platforms must be trained in the following:

(i) Recognition of, and preventive measures for, the safety hazards associated with their individual work tasks.

(ii) General recognition and prevention of safety hazards associated with the use of working platforms, including the provisions in the section relating to the particular working platform to be operated.

(iii) Emergency action plan procedures required in WAC 296-24-88015(9).

(iv) Work procedures required in (d) of this subsection.

(v) Personal fall arrest system inspection, care, use and system performance.

(c) Training of employees in the operation and inspection of working platforms must be done by a competent person.

(d) Written work procedures for the operation, safe use and inspection of working platforms must be provided for employee training. Pictorial methods of instruction, may be used, in lieu of written work procedures, if employee communication is improved using this method. The operating manuals supplied by manufacturers for platform system components can serve as the basis for these procedures.

(e) The employer must certify that employees have been trained in operating and inspecting a working platform by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training and the date that training was completed. The certification record must be prepared at the completion of the training required in (b) of this subsection, and must be maintained in a file for the duration of the employee's employment. The certification record must be kept readily available for review by the director or an authorized representative.

(2) Use.

(a) Working platforms must not be loaded in excess of the rated load, as stated on the platform load rating plate.

(b) Employees must be prohibited from working on snow, ice, or other slippery material covering platforms, except for the removal of such materials.

(c) Adequate precautions must be taken to protect the platform, wire ropes and life lines from damage due to acids or other corrosive substances, in accordance with the recommendations of the corrosive substance producer, supplier, platform manufacturer or other equivalent information sources. Platform members which have been exposed to acids or other corrosive substances must be washed down with a neutralizing solution, at a frequency recommended by the corrosive substance producer or supplier.

(d) Platform members, wire ropes and life lines must be protected when using a heat producing process. Wire ropes and life lines which have been contacted by the heat producing process must be considered to be permanently damaged and must not be used.

(e) The platform must not be operated in winds in excess of 25 miles per hour (40.2 km/hr) except to move it from an operating to a storage position. Wind speed must be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts which predict wind velocities for the area.

(f) On exterior installations, an anemometer must be mounted on the platform to provide information of on-site wind velocities prior to and during the use of the platform. The anemometer may be a portable (hand held) unit which is temporarily mounted during platform use.

(g) Tools, materials and debris not related to the work in progress must not be allowed to accumulate on platforms. Stabilizer ties must be located so as to allow unencumbered passage along the full length of the platform and must be of such length so as not to become entangled in rollers, hoists or other machinery.

## NEW SECTION

### **WAC 296-24-88035 Personal fall protection.**

Employees on working platforms must be protected by a personal fall arrest system meeting the requirements of Appendix C, Part I, WAC 296-24-88050 of this standard, and as otherwise provided by this standard.

## NEW SECTION

**WAC 296-24-88040 Appendix A—Guidelines (advisory).** (1) Use of the Appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This Appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-880 through 296-24-88055.

(2) Assurance. WAC 296-24-880(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-880 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

AA—The Aluminum Association, 900 19th Street Northwest, Suite 300, Washington, D.C. 20006

Aluminum Construction Manual  
Specifications for Aluminum Structures  
Aluminum Standards and Data

AGMA—American Gear Manufacturers Association,  
1500 King Street, Suite 201, Alexandria, VA 22314

AISC—American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601-2001

ANSI—American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017

ASME—American Society of Mechanical Engineers,  
345 East 47th Street, New York, NY 10017

ASTM—American Society for Testing and Materials,  
1916 Race Street, Philadelphia, PA 19103-1187

AWS—American Welding Society, Inc., Box 351040,  
550 N.W. LeJeune Road, Miami, FL 33126

NEMA—National Electric Manufacturers Association,  
2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening

exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer

tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope. The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-88025(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-88030(1), employers should use both on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-88015 (2)(c), 296-24-88020 (3) and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.



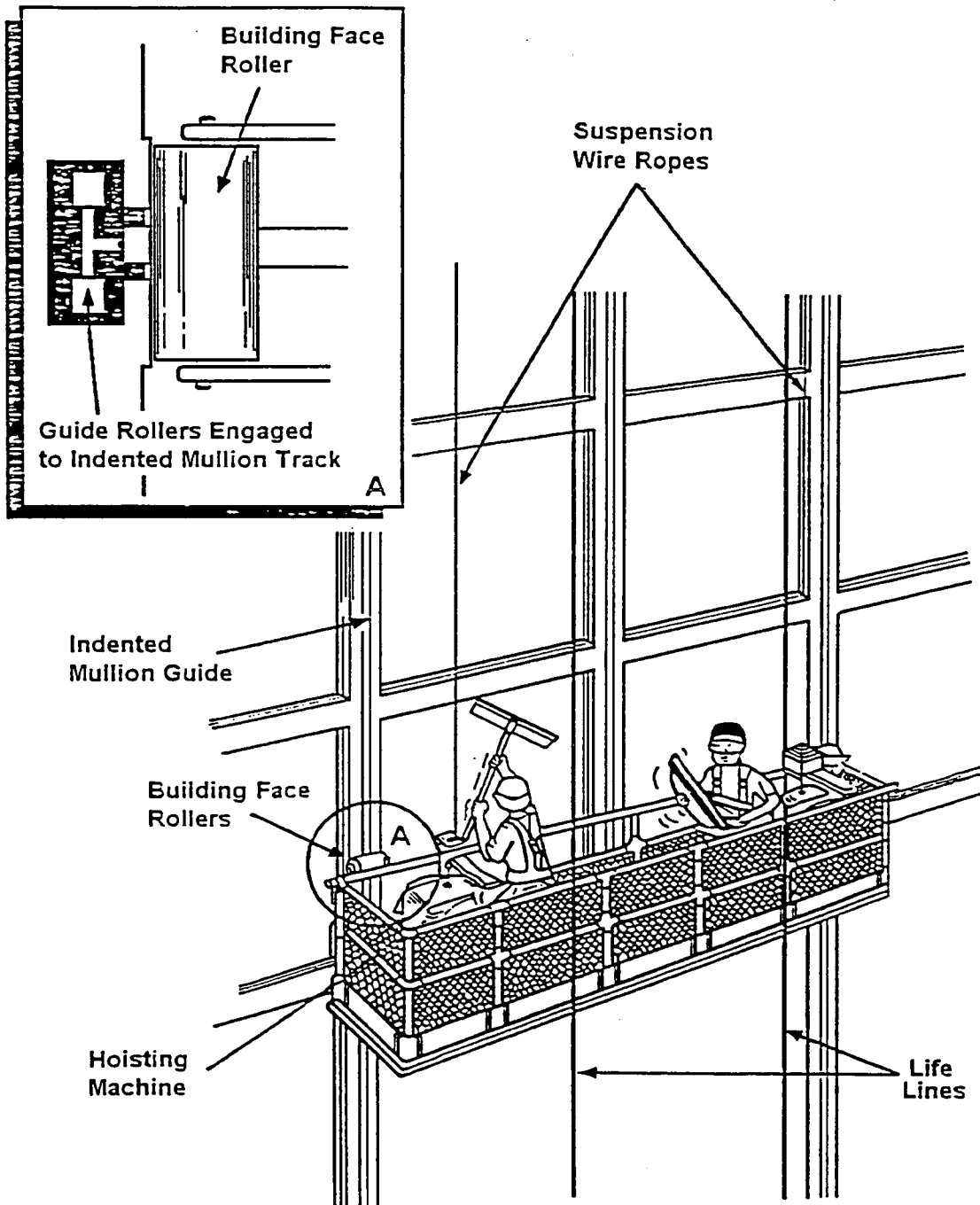
**NEW SECTION**

**WAC 296-24-88045 Appendix B—Exhibits (advisory).**

The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

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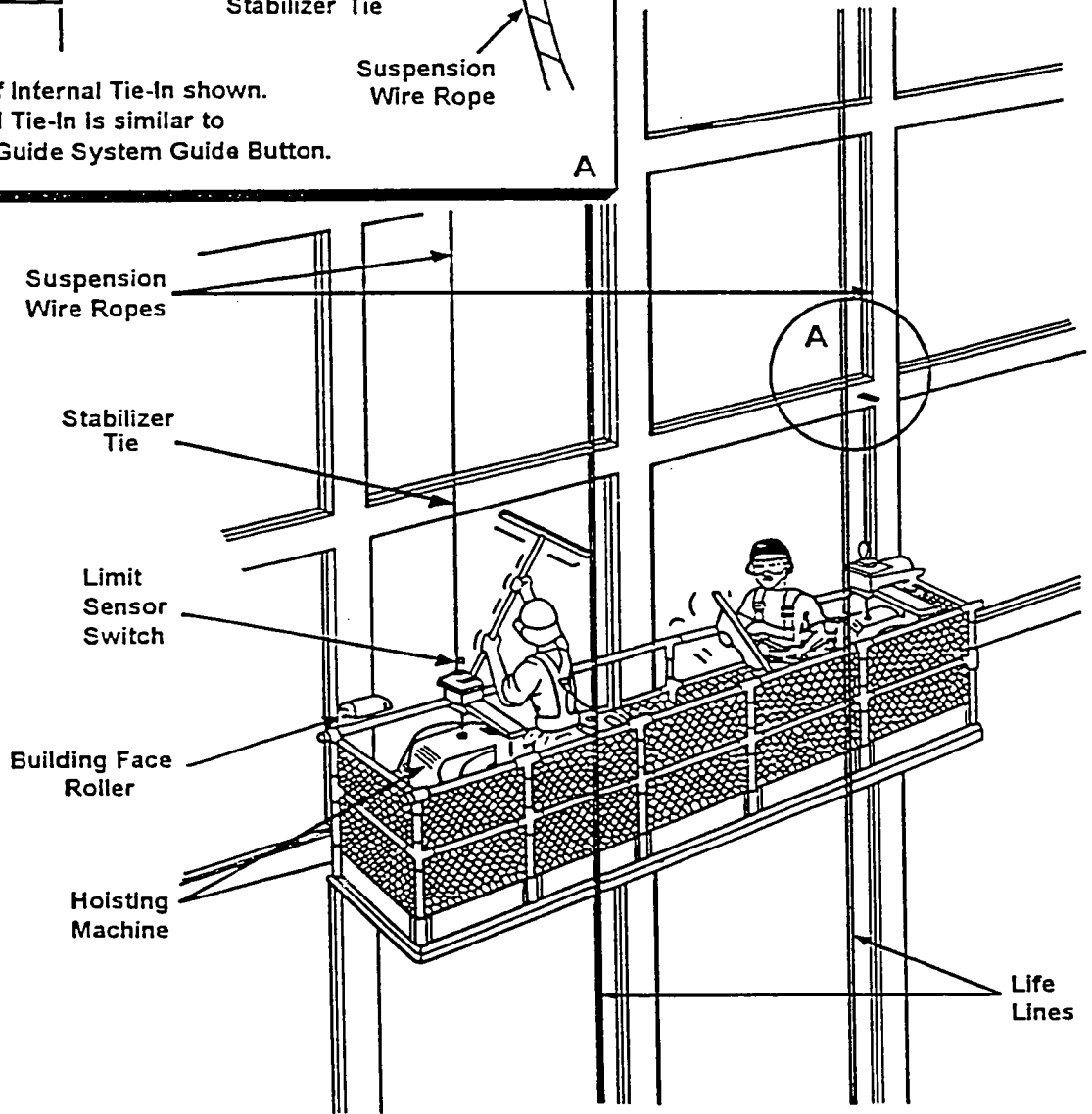
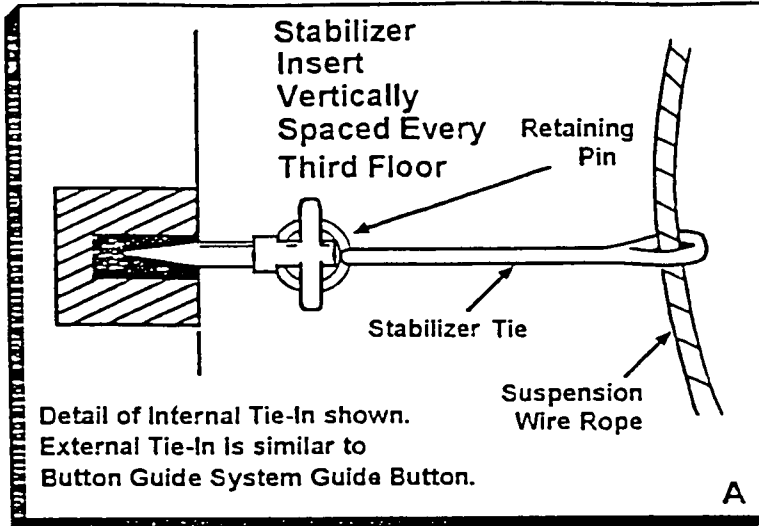
**FIGURE 1**  
**Typical Self-Powered Platform –**  
**Continuous External or Indented Mullion Guide System**



PERMANENT

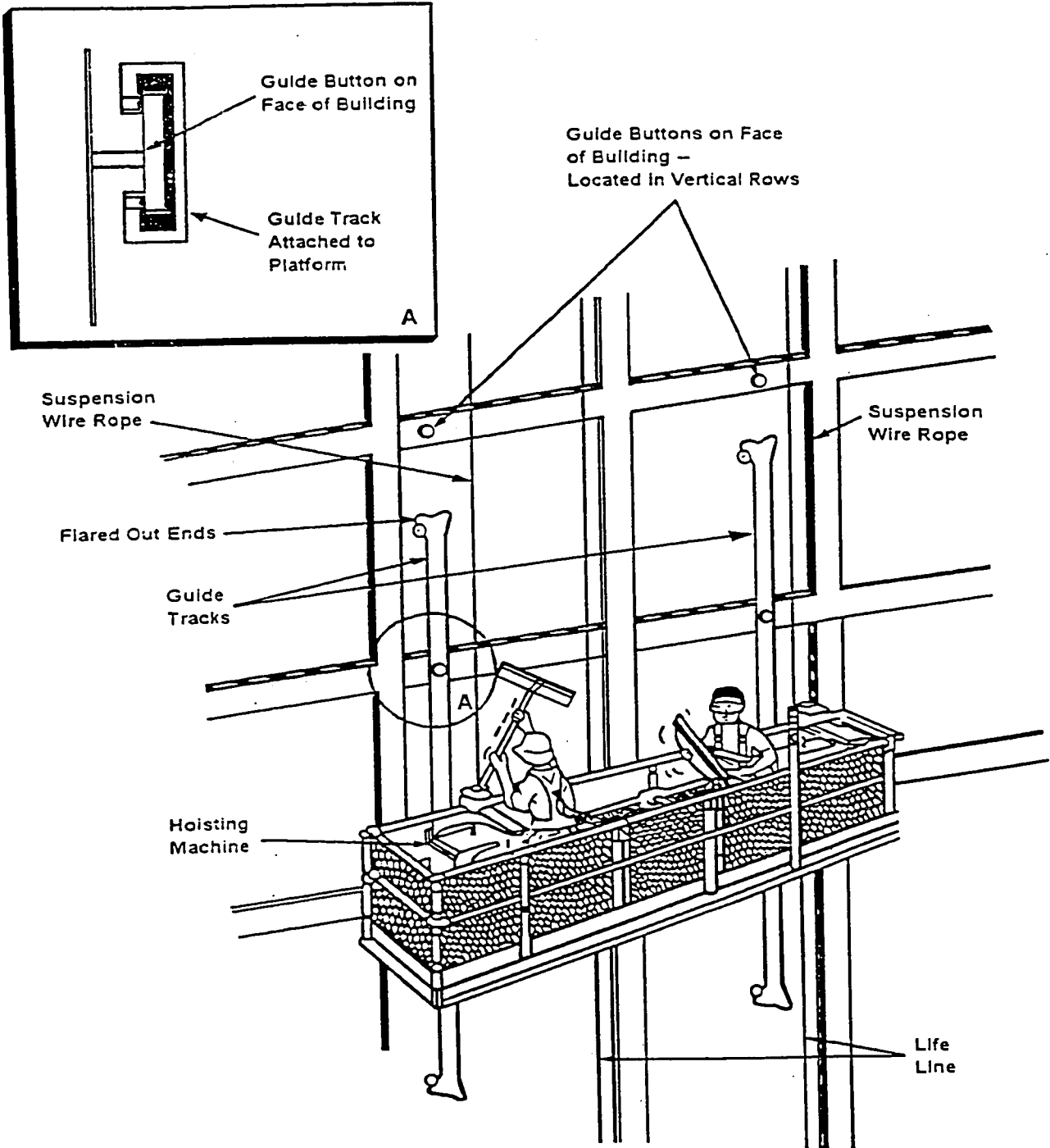
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Figure 2. Typical Self-Powered Platform—  
Intermittent Tie-in System



PERMANENT

FIGURE 3  
Typical Self-Powered Platform—  
Button Guide System



PERMANENT

**NEW SECTION****WAC 296-24-88050 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).** (1) Use of the Appendix.

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this Appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions:

**PART I**

**Personal fall arrest systems (mandatory)—(1) Scope and application.** This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-88035.

**(2) Definitions.**

**Anchorage** means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-24 WAC, and independent of the means of supporting or suspending the employee.

**Buckle** means any device for holding the body harness closed around the employee's body.

**Competent person** means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

**Connector** means a device which is used to couple (connect) parts of the personal fall arrest system and positioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or deering sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

**Deceleration device** means any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyards, automatic self retracting-lifeline/lanyard, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

**Deceleration distance** means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's full body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

**Equivalent** means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

**Free fall** means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

**Free fall distance** means the vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

**Full body harness** means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration device.

**Lanyard** means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

**Lifeline** means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

**Personal fall arrest system** means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

**Qualified** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

**Rope grab** means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for all restraint applications.

**Self-retracting lifeline/lanyard** means a deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

**Snap-hook** means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

**Tie-off** means the act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to

an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors must be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors must have a corrosion-resistant finish, and all surfaces and edges must be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee must have a minimum breaking strength of 5,000 pounds (22.2 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less must have components capable of sustaining a minimum static tensile load of 3,000 pounds (13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards must be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks must be capable of sustaining a minimum tensile load of 5000 pounds (22.2 N).

(g) Dee-rings and snap-hooks must be 100 percent proof-tested to a minimum tensile load of 3600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks must be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or must be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, must be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached must be capable of supporting at least 5,000 pounds (22.2 kN) per employee attached, or must be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least two, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, must be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems must, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Must have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b)(i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) in Part II of this Appendix must be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, must not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline must be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems must be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness must be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee must be provided with a separate lifeline.

(f) Personal fall arrest systems or components must be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading must be immediately removed from service and must not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(h) The employer must provide for prompt rescue of employees in the event of a fall or must assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees must be trained in accordance with the requirements of WAC 296-24-88030(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems must be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components must be removed from service if their strength or function may be adversely affected.

## PART II

Test methods for personal fall arrest systems  
(nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to determine compliance with the requirements in subsection (4) of Part I of this Appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a nonelastic wire lanyard of sufficient length may need to be

added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

### PART III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse affect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not

designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
- (b) The maximum elongation measured for lanyards during the force test;
- (c) The deceleration distance measured for deceleration devices during the force test;
- (d) Caution statements on critical use limitations;
- (e) Application limits;
- (f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;
- (g) Proper climbing techniques;
- (h) Methods of inspection, use, cleaning, and storage; and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-88050(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-88050 (5)(h) when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which

allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to also fall. Horizontal lifeline

and anchorage strength should be increased for each additional employee to be tied-off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Required by this standard for all connections, locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-88050 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.
- Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8



m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard).) Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

## NEW SECTION

**WAC 296-24-88055 Appendix D—Existing installations (mandatory).** (1) Use of the appendix.

Appendix D sets out the mandatory building and equipment requirements for applicable permanent installations

completed after August 27, 1971, and no later than July 23, 1990 which are exempt from WAC 296-24-880 through 296-24-88020.

Note: All existing installations subject to this Appendix must also comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and Appendix C.

(2) Definitions applicable to this Appendix.

**Angulated roping.** A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

**ANSI.** American National Standards Institute.

**Babbitted fastenings.** The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

**Brake—disc type.** A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

**Brake—self-energizing band type.** An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

**Brake—shoe type.** A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

**Building face rollers.** A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

**Continuous pressure.** Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

**Control.** A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

**Controller.** A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

**Electrical ground.** A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

**Guide roller.** A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

**Guide shoe.** An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

**Interlock.** A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

**Operating device.** A pushbutton, lever, or other manual device used to actuate a control.

**Powered platform.** Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

**Rated load.** The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

**Relay, direction.** An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

**Relay, potential for vertical travel.** An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

**Roof car.** A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on a roof car.

**Self-powered platform.** A powered platform having the raising and lowering mechanism located on the working platform.

**Traveling cable.** A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

**Weatherproof.** Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

**Working platform.** The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

**Yield point.** The stress at which the material exhibits a permanent set of 0.2 percent.

**Zinc fastenings.** The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

### (3) General requirements.

(a) Design requirements. All powered platform installations for exterior building maintenance completed as of August 27, 1971, but no later than January 25, 1990, must meet all of the design, construction and installation requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1-1970" and of this Appendix. References must be made to appropriate parts of ANSI A120.1-1970 for detail specifications for equipment and special installations.

(b) Limitation. The requirements of this Appendix apply only to electric-powered platforms. It is not the intent of this appendix to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(c) Types of powered platforms.

(i) For the purpose of applying this appendix, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F must meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least 4 wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T must meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, except for section 28, Safety Belts and Life Lines. A basic requirement of Type T equipment is that the working platform is suspended by at least 2 wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(v) Both Type F and Type T powered platforms must comply with the requirements of Appendix C of this standard.

(4) Type F powered platforms.

(a) Roof car, general.

(i) A roof car must be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(b) Movement and positioning of roof car.

(i) Provision must be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars must be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices must be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops must be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops must be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) The operating device of a power-operated roof car for traversing must be located on the roof car, the working platform, or both, and must be of the continuous pressure weather-proof electric type. If more than one operating device is provided, they must be so arranged that traversing is possible only from one operating device at a time.

(vi) The operating device must be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(c) Roof car stability. Roof car stability must be determined by either items (i) or (ii), whichever is greater.

(i) The roof car must be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value must include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load must be included, and the design stresses must not exceed those referred to in subsection (3)(a) of this Appendix.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load the motor must stall.

(d) Access to the roof car. Safe access to the roof car and from the roof car to the working platform must be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates must be provided. Applicable provisions WAC 296-24-735 through 296-24-810 must apply.

(e) Means for maintenance, repair, and storage. Means must be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions must be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(f) General requirements for working platforms. The working platform must be of girder or truss construction and must be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1-1970, American National Standard

Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(g) Load rating plate. Each working platform must bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates must be made of noncorrosive material and must have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures must be one-fourth inch.

(h) Minimum size. The working platform must have a minimum net width of 24 inches.

(i) Guardrails. Working platforms must be furnished with permanent guard rails not less than 38 inches high, and not more than 45 inches high at the front (building side). At the rear, and on the sides, the rail must not be less than 45 inches high. An intermediate guardrail must be provided around the entire platform between the top guardrail and the toeboard. The top rail must withstand a minimum of 200 pounds pressure.

(j) Toeboards. A four-inch toeboard must be provided along all sides of the working platform.

(k) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, must be filled with metallic mesh or similar material that will reject a ball one inch in diameter. The installed mesh must be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed eight inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(l) Flooring. The platform flooring must be of the non-skid type, and if of open construction, must reject a 9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16-inch diameter ball.

(m) Access gates. Where access gates are provided, they must be self-closing and self-locking.

(n) Operating device for vertical movement of the working platform.

(i) The normal operating device for the working platform must be located on the working platform and must be of the continuous pressure weatherproof electric type.

(ii) The operating device must be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service and, the roof car, if provided, is at an established operating point.

(o) Emergency electric operative device.

(i) In addition, on roof-powered platforms, an emergency electric operating device must be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device must be mounted in a locked compartment and must have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device must be mounted in a break-glass receptacle located near the emergency operating device.

(p) Manual cranking for emergency operation. Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation must be designed so that not more than two persons will be required to perform this operation. The access to this provision must include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design must be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(q) Arrangement and guarding of hoisting equipment.

(i) Hoisting equipment must consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment must be power-operated in both up and down directions.

(iii) Guard or other protective devices must be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches must not be used for connecting the main driving mechanism to the drum or drums. Belt or chain-driven machines are prohibited.

(r) Hoisting motors.

(i) Hoisting motors must be electric and of weather-proof construction.

(ii) Hoisting motors must be in conformance with applicable provisions of subdivision (v) of this subsection, Electric Wiring and Equipment.

(iii) Hoisting motors must be directly connected to the hoisting machinery. Motor couplings, if used, must be of steel construction.

(s) Brakes. The hoisting machine(s) must have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(t) Hoisting ropes and rope connections.

(i) Working platforms must be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) (Reserved)

(iii) The minimum factor of safety must be 10, and must be calculated by the following formula:

$$F = S \times N / W$$

Where

S= Manufacturer's rated breaking strength of one rope.

N= Number of ropes under load.

W= Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes must be sized to conform with the required factor of safety, but in no case must the size be less than 5/16 inch diameter.

(v) Winding drums must have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes must be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) More than two reverse bends in each rope is prohibited.

(u) Rope tag data. A metal data tag must be securely attached to one of the wire rope fastenings. This data tag must bear the following wire rope data:

(i) The diameter in inches.

(ii) Construction classification.

(iii) Whether nonpreformed or preformed.

(iv) The grade of material used.

(v) The manufacturer's rated breaking strength.

(vi) Name of the manufacturer of the rope.

(vii) The month and year the ropes were installed.

(v) Electrical wiring and equipment.

(i) All electrical equipment and wiring must conform to the requirements of the National Electrical Code, NFPA 70-1987; ANSI C1-1987, except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(ii) All motors and operation and control equipment must be supplied from a single power source.

(iii) The power supply for the powered platform must be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system must be protected against accidental contact.

(v) Electrical grounding must be provided.

(A) Provisions for electrical grounding must be included with the power-supply system.

(B) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, must be grounded.

(C) The controller, where used, must be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(D) Means must be provided on the roof car and working platform for grounding portable electric tools.

(E) The working platform must be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform must be grounded.

(vi) Electrical receptacles located on the roof or other exterior location must be of a weatherproof type and must be located so as not to be subject to contact with water or accumulated snow. The receptacles must be grounded and the electric cable must include a grounding conductor. The receptacle and plug must be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision must be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems must be of the type designed for use in exterior locations and must be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting

means must conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987; ANSI C1-1987. A grounded conductor must parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system must be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type must be provided.

(ix) Where the installation includes a roof car, electric contact(s) must be provided and so connected that the operating devices for the working platform must be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car must be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact must be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device must be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device must be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices must be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device must prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, must incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(A) Final terminal stopping devices for the working platform must be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(B) The device must be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(C) Operation of the final terminal stopping device must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(D) The final terminal stopping device for the upper limit of travel must be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches must be provided in or adjacent to each operating device.

(xix) Emergency stop switches must:

(A) Have red operating buttons or handles.

(B) Be conspicuously and permanently marked "Stop."

(C) Be the manually opened and manually closed type.

(D) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car must cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(w) Requirements for emergency communications.

(i) Communication equipment must be provided for each powered platform for use in an emergency.

(ii) Two-way communication must be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment must permit two-way voice communication between the working platform; and

(A) Designated personnel continuously available while the powered platform is in use; and

(B) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment must be one of the following types:

(A) Telephone connected to the central telephone exchange system; or

(B) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(5) Type T powered platforms.

(a) Roof car. The requirements of subsection (4)(a) through (4)(e) of this Appendix must apply to Type T powered platforms.

(b) Working platform. The requirements of subsection (4)(f) through (4)(p) of this Appendix apply to Type T powered platforms.

(i) The working platform must be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction must not exceed 35 feet per minute.

(c) Hoisting equipment. The requirements of subsection (4)(q) and (r) of this Appendix must apply to Type T powered platforms.

(d) Brakes. Brakes requirements of subsection (4)(s) of this Appendix must apply.

(e) Hoisting ropes and rope connections.

(i) Subsection (4)(t)(i) through (vi) and (viii) of this Appendix must apply to Type T powered platforms.

(ii) Adjustable shackle rods in subsection (4)(t)(vii) of this Appendix must apply to Type T powered platforms, if the working platform is suspended by more than two wire ropes.

(f) Electrical wiring and equipment.

(i) The requirements of subsection (4)(v)(i) through (vi) of this Appendix must apply to Type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment must comply with the specifications contained in Part 2, section 26, ANSI A120.1-1970.

(ii) For electrical protective devices the requirements of subsection (4)(v)(i) through (viii) of this Appendix must apply to Type T powered platforms. Requirements for the "circuit potential limitation" must be in accordance with specifications contained in Part 2, section 26, of ANSI A120.1-1970.

(g) Emergency communications. All the requirements of subsection (4)(w) of this Appendix must apply to Type T powered platforms.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90001 Definitions.** ~~((4))~~ Handhold (handgrip). A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

~~((2))~~ Open type. One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

~~((3))~~ Closed type. A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom into which the passenger may place fingers.

~~((4))~~ Limit switch. A device, the purpose of which is to cut off the power to the motor and apply the brakes to stop the carrier in the event that a loaded step passes the terminal landing.

~~((5))~~ Manlift. A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

~~((6))~~ Rated speed. Rated speed is the speed for which the device is designed and installed.

~~((7))~~ Split-rail switch. An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

~~((8))~~ Step (platform). A step is a passenger carrying unit.

~~((9))~~ Travel. The travel is the distance between the centers of the top and bottom pulleys.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-24-90003 General requirements.** (1) Application. These standards apply to the construction, maintenance, inspection, and operation of manlifts in relation to accident causing hazards. Manlifts covered by these standards consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that these standards cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. These standards apply to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Exceptions for new and existing equipment. The purpose of these standards is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these standards ~~((shall))~~ **must** meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," and the requirements of this section.

(4) Reference to other codes. The following codes are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1-1953 (R 1958) and chapter 296-24 WAC Part C; chapter 296-24 WAC Part L; Safety Code for Fixed Ladders, ANSI A14.3-1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and chapter 296-24 WAC Parts J-1 and J-2.

(5) Floor openings.

(a) Allowable size. Floor openings for both the "up" and "down" runs ~~((shall))~~ **must** be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and ~~((shall))~~ **must** extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(b) Uniformity. All floor openings for a given manlift ~~((shall))~~ **must** be uniform in size and ~~((shall))~~ **must** be approximately circular, and each ~~((shall))~~ **must** be located vertically above the opening below it.

(6) Landing.

(a) Vertical clearance. The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by WAC 296-24-90003(7) ~~((shall))~~ **must** not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift ~~((shall))~~ **must** be provided and the manlift runway ~~((shall))~~ **must** be enclosed where it passes through such floor.

(b) Clear landing space. The landing space adjacent to the floor openings ~~((shall))~~ **must** be free from obstruction and kept clear at all times. This landing space ~~((shall))~~ **must** be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(c) Lighting and landing. Adequate lighting not less than 5-foot candles, ((shall)) must be provided at each floor landing at all times when the lift is in operation.

(d) Landing surface. The landing surfaces at the entrances and exits to the manlift ((shall)) must be constructed and maintained as to provide safe footing at all times.

(e) Emergency landings. Where there is a travel of 50 feet or more between floor landings, one or more emergency landings ((shall)) must be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(i) Emergency landings ((shall)) must be accessible from both the "up" and "down" rungs of the manlift and ((shall)) must give access to the ladder required in WAC 296-24-90003(12).

(ii) Emergency landings ((shall)) must be completely enclosed with a standard railing and toeboard.

(iii) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and ((shall)) must be provided with standard railings and toeboards.

(7) Guards on underside of floor openings.

(a) Fixed type. On the ascending side of the manlift floor openings ((shall)) must be provided with a bevel guard or cone meeting the following requirements:

(i) The cone ((shall)) must make an angle of not less than 45° with the horizontal. An angle of 60° or greater ((shall)) must be used where ceiling heights permit.

(ii) The lower edge of this guard ((shall)) must extend at least 42 inches outward from any handhold on the belt. It ((shall)) must not extend beyond the upper surface of the floor above.

(iii) The cone ((shall)) must be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge ((shall)) must be rolled to a minimum diameter of one-half inch and the interior ((shall)) must be smooth with no rivets, bolts or screws protruding.

(b) Floating type. In lieu of the fixed guards specified in WAC 296-24-90003 (7)(a) a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the under side of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) Protection of entrances and exits.

(a) Guardrail requirement. The entrances and exits at all floor landings affording access to the manlift ((shall)) must be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(b) Construction. The rails ((shall)) must be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and WAC 296-24-750 through 296-24-75011.

(c) Gates. Gates, if used, ((shall)) must open outward and ((shall)) must be self-closing. Corners of gates ((shall)) must be rounded.

(d) Maze. Maze or staggered openings ((shall)) must offer no direct passage between enclosure and outer floor space.

(e) Except where building layout prevents, entrances at all landings ((shall)) must be in the same relative position.

(f) If located in buildings to which the public has access, such manlift or manlifts ((shall)) must be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors ((shall)) must be limited to authorized personnel.

(9) Guards for openings.

(a) Construction. The floor opening at each landing ((shall)) must be guarded on sides not used for entrance or exit by a standard railing and toeboard or by panels or wire mesh of not less than Number 10 U.S. gage, expanded metal of not less than Number 13 U.S. gage or sheet metal of equivalent strength.

(b) Guardrails in stairwells. When belt manlift is installed in a stairwell a standard guardrail ((shall)) must be placed between the floor openings of the manlift and the stairways.

(c) Height and location. Such rails or guards ((shall)) must be at least forty-two inches in height on the "up" running side and sixty-six inches on the "down" running side. If a guardrail is used the section of the guard above the rail may be of the construction specified in WAC 296-24-90003 (9)(a) or may consist of vertical or horizontal bars which will reject a ball six inches in diameter. Rails or guards ((shall)) must be located not more than one foot from the edge of the floor opening.

(d) Safeguards required. Expanded metal, sheet metal or wood guards must be installed to cover the area from the floor to seven feet above the floor on each exposed side of the belt manlift at each floor landing, so persons cannot place their hands in the area where the step rollers travel.

(10) Bottom arrangement.

(a) Bottom landing. At the bottom landing the clear area ((shall)) must be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt ((shall)) must be not less than 48 inches from the face of the belt. This space ((shall)) must not be encroached upon by stairs or ladders.

(b) Location of lower pulley. The lower (boot) pulley ((shall)) must be installed so that it is supported by the lowest landing served. The sides of the pulley support ((shall)) must be guarded to prevent contact with the pulley or the steps.

(c) Mounting platform. A mounting platform ((shall)) must be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform ((shall)) must be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(d) Guardrails. To guard against persons walking under a descending step, the area on the downside of the manlift ((shall)) must be guarded in accordance with WAC 296-24-90003(8). To guard against a person getting between the mounting platform and an ascending step, the area between

the belt and the platform ((~~shall~~)) must be protected by a guardrail.

(11) Top arrangements.

(a) Clearance from floor. A top clearance ((~~shall~~)) must be provided of at least 11 feet above the top terminal landing. This clearance ((~~shall~~)) must be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(b) Pulley clearance.

(i) There ((~~shall~~)) must be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(ii) The center of the head pulley shaft ((~~shall~~)) must be not less than 6 feet above the top terminal landing.

(c) Emergency grab rail. An emergency grab bar or rail and platform ((~~shall~~)) must be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) Emergency exit ladder. A fixed metal ladder accessible from both the "up" and "down" run of the manlift ((~~shall~~)) must be provided for the entire travel of the manlift. Such ladder ((~~shall~~)) must be in accordance with ANSI A14.3-1956, Safety Code for Fixed Ladders and WAC 296-24-810 through 296-24-81013.

(13) Superstructure bracing. Manlift rails ((~~shall~~)) must be secured in such a manner as to avoid spreading, vibration, and misalignment.

(14) Illumination.

(a) General. Both runs of the manlift ((~~shall~~)) must be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle ((~~shall~~)) must be maintained at all points. (However, see WAC 296-24-90003 (6)(c) for illumination requirements at landings.)

(b) Control of illumination. Lighting of manlift runways ((~~shall~~)) must be by means of circuits permanently tied into the building circuits (no switches), or ((~~shall~~)) must be controlled by switches at each landing. Where separate switches are provided at each landing, any switch ((~~shall~~)) must turn on all lights necessary to illuminate the entire runway.

(15) Weather protection. The entire manlift and its driving mechanism ((~~shall~~)) must be protected from the weather at all times.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90005 Mechanical requirements. (1) Machines, general.**

(a) Brakes. Brakes provided for stopping and holding a manlift ((~~shall~~)) must be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake ((~~shall~~)) must be electrically released, and ((~~shall~~)) must be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The

brake ((~~shall~~)) must be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(b) Belt.

(i) The belts ((~~shall~~)) must be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of WAC 296-24-90003(3) and having a co-efficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in WAC 296-24-90005 (1)(a).

(ii) The width of the belt ((~~shall~~)) must be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(iii) A belt that has become torn while in use on a manlift ((~~shall~~)) must not be spliced and put back in service.

(iv) Belt fastenings. Belts ((~~shall~~)) must be fastened by a lapped splice or ((~~shall~~)) must be butt spliced with a strap on the side of the belt away from the pulley. For lapped splices, the overlap of the belt at the splice ((~~shall~~)) must be not less than three feet where the total travel of the manlift does not exceed one hundred feet and not less than four feet, if the travel exceeds one hundred feet.

Where butt splices are used the straps ((~~shall~~)) must extend not less than three feet on one side of the butt for a travel not in excess of one hundred feet, and four feet for a travel in excess of one hundred feet.

For twelve inch belts, the joint ((~~shall~~)) must be fastened with not less than twenty special elevator bolts, each of a minimum diameter of one-quarter inch. These bolts ((~~shall~~)) must be arranged symmetrically in five rows so arranged as to cover the area of the joint effectively. The minimum number of bolts for a belt width of fourteen inches ((~~shall~~)) must be not less than twenty-three and for belt widths of sixteen inches, the number of bolts ((~~shall~~)) must be not less than twenty-seven.

(v) Pulleys. Drive pulleys and idler (boot) pulleys ((~~shall~~)) must have a diameter not less than given in Table 1.

**TABLE 1**

Belt Construction	Minimum Strength (lb. per inch of width)	Minimum Pulley (diameter inches)
5 ply	1500	20
6 ply	1800	20
7 ply	2100	22

Note: Table No. 1 is included solely for the purpose of determining the minimum diameter of pulley required for the listed number of plies of belt construction.

(vi) Pulley protection. The machine ((~~shall~~)) must be so designed and constructed as to catch and hold the driving pulley in event of shaft failure.

(2) Speed. Maximum speed. No manlift designed for a speed in excess of 80 feet per minute ((~~shall~~)) must be installed.

(3) Platforms or steps.

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(a) Minimum depth. Steps or platforms ((~~shall~~)) must be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(b) Width. The width of the step or platform ((~~shall~~)) must be not less than the width of the belt to which it is attached.

(c) Distance between steps. The distance between steps ((~~shall~~)) must be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(d) Angle of step. The surface of the step ((~~shall~~)) must make approximately a right angle with the "up" and "down" run of the belt, and ((~~shall~~)) must travel in the approximate horizontal position with the "up" and "down" run of the belt.

(e) Surfaces. The upper or working surfaces of the step ((~~shall~~)) must be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or ((~~shall~~)) must be covered completely by a nonslip tread securely fastened to it.

(f) Strength of step supports. When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides ((~~shall~~)) must be of adequate strength to:

- (i) Prevent the disengagement of any step roller.
- (ii) Prevent any appreciable misalignment.
- (iii) Prevent any visible deformation of the steps or its support.

(g) Prohibition of steps without handholds. No steps ((~~shall~~)) must be provided unless there is a corresponding handhold above or below it meeting the requirements of WAC 296-24-90005(4). If a step is removed for repairs or permanently, the handholds immediately above and below it ((~~shall~~)) must be removed before the lift is again placed in service.

(4) Handholds.

(a) Location. Handholds attached to the belt ((~~shall~~)) must be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These ((~~shall~~)) must be so located as to be available on the both "up" and "down" run of the belt.

(b) Size. The grab surface of the handhold ((~~shall~~)) must be not less than 4 1/2 inches in width, not less than 3 inches in depth, and ((~~shall~~)) must provide 2 inches of clearance from the belt. Fastenings for handholds ((~~shall~~)) must be located not less than 1 inch from the edge of the belt.

(c) Strength. The handhold ((~~shall~~)) must be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(d) Prohibition of handhold without steps. No handhold ((~~shall~~)) must be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel ((~~shall~~)) must also be removed before the lift is again placed in service.

(e) Type. All handholds ((~~shall~~)) must be of the closed type.

(5) Up limit stops.

(a) Requirements. Two separate automatic stop devices ((~~shall~~)) must be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing.

One of these ((~~shall~~)) must consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(i) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(ii) An electronic device.

(iii) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(b) Emergency stop switch, treadle type in pit on down side. An emergency stop treadle switch ((~~shall~~)) must be placed in the area below the lowest landing on the "down" side. This switch must stop the mechanism if a person should fail to get off at the lowest landing and be ejected from the step as it approaches its position to travel around the boot pulley.

(c) Manual reset location. After the manlift has been stopped by a stop device it ((~~shall~~)) must be necessary to reset the automatic stop manually. The device ((~~shall~~)) must be so located that a person resetting it ((~~shall~~)) must have a clear view of both the "up" and "down" runs of the manlift. It ((~~shall~~)) must not be possible to reset the device from any step or platform.

(d) Cut-off point. The initial limit stop device ((~~shall~~)) must function so that the manlift will be stopped before the loaded step has reached a point of 24 inches above the top terminal landing.

(e) Electrical requirements.

(i) Where such switches open the main motor circuit directly they ((~~shall~~)) must be of the multipole type.

(ii) Where electronic devices are used they ((~~shall~~)) must be so designed and installed that failure will result in shutting off the power to the driving motor.

(iii) Where flammable vapors or dusts may be present all electrical installations ((~~shall~~)) must be according to chapter 296-24 WAC Part L.

(iv) Unless of the oil-immersed type controller contacts carrying the main motor current ((~~shall~~)) must be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) Emergency stop.

(a) General. An emergency stop means ((~~shall~~)) must be provided.

(b) Location. This stop means ((~~shall~~)) must be within easy reach of the ascending and descending runs of the belt.

(c) Operation. This stop means ((~~shall~~)) must be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel.

(d) Rope. If rope is used, it ((~~shall~~)) must be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, ((~~shall~~)) must not be used.

(7) Instruction and warning signs.

(a) Instruction signs at landings or belts. Signs of conspicuous and easily read style giving instructions for the use of the manlift ((~~shall~~)) must be posted at each landing or stenciled on the belt.

(i) Such signs ((~~shall~~)) must be of letters not less than 1 inch in height and of a color having high contrast with the

surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(ii) The instructions ((shall)) must read approximately as follows:

- Face the belt.
- Use the handholds.
- To stop-pull rope.

(b) Top floor warning sign and light.

(i) At the top floor an illuminated sign ((shall)) must be displayed bearing the following wording:

"TOP FLOOR-GET OFF"

Signs ((shall)) must be in block letters not less than 2 inches in height. This sign ((shall)) must be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(ii) In addition to the sign required by WAC 296-24-90005(7), a red warning light of not less than 40-watt rating ((shall)) must be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(c) Bottom of manlift warning signs, light and buzzer.

(i) Sign or light. A sign or light warning any passengers they are approaching the bottom landing ((shall)) must be posted above bottom landing in a conspicuous place. Sign or light to be similar in size to top warning light and sign noted above.

(ii) An electric buzzer. An electric buzzer ((shall)) must be installed five feet above the bottom landing on the down side to warn any riders they are approaching the bottom landing and the buzzer ((shall)) must be activated automatically by the weight of a load on a step.

(d) Visitor warning. A conspicuous sign having the following legend-AUTHORIZED PERSONNEL ONLY-((shall)) must be displayed at each landing. The sign ((shall)) must be of block letters not less than 2 inches in height and ((shall)) must be of a color offering high contrast with the background color.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-90007 Operating rules.** (1) Proper use of manlifts. No freight, packaged goods, pipe, lumber, or construction materials of any kind ((shall)) must be handled on any manlift.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90009 Periodic inspection.** (1) Frequency. All manlifts ((shall)) must be inspected by a competent designated person at intervals of not more than 30 days. Limit switches ((shall)) must be checked weekly. Manlifts found to be unsafe ((shall)) must not be operated until properly repaired.

(2) Items covered. This periodic inspection ((shall)) must cover but is not limited to the following items:

- Steps.
- Step fastenings.
- Rails.
- Rail supports and fastenings.
- Rollers and slides.
- Belt and belt tension.
- Handholds and fastenings.
- Floor landings.
- Guardrails.
- Lubrication.
- Limit switches.
- Warning signs and lights.
- Illumination.
- Drive pulley.
- Bottom (boot) pulley and clearance.
- Pulley supports.
- Motor.
- Driving mechanism.
- Brake.
- Electrical switches.
- Vibration and misalignment.
- "Skip" on up or down run when mounting step (indicating worn gears).

(3) Inspection log. A written record ((shall)) must be kept of findings at each inspection. Records of inspection ((shall)) must be made available to the director of labor and industries or his/her duly authorized representative.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-825	Safety requirements for scaffolding.
WAC 296-24-82501	Definitions.
WAC 296-24-82503	General requirements for all scaffolds.
WAC 296-24-82505	General requirements for wood pole scaffolds.
WAC 296-24-82507	Tube and coupler scaffolds.
WAC 296-24-82509	Tubular welded frame scaffolds.
WAC 296-24-82511	Outrigger scaffolds.
WAC 296-24-82513	Masons' adjustable multiple-point suspension scaffolds.
WAC 296-24-82515	Two-point suspension scaffolds (swinging scaffolds).

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WAC 296-24-82517	Stone setters' adjustable multiple-point suspension scaffolds.	WAC 296-24-87019	Personal fall protection.
WAC 296-24-82519	Single-point adjustable suspension scaffolds.	WAC 296-24-87031	Appendix A—Guidelines (advisory).
WAC 296-24-82521	Boatswain's chairs.	WAC 296-24-87033	Appendix B—Exhibits (advisory).
WAC 296-24-82523	Carpenters' bracket scaffolds.	WAC 296-24-87035	Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).
WAC 296-24-82525	Bricklayers' square scaffolds.	WAC 296-24-87037	Appendix D—Existing installations (mandatory).
WAC 296-24-82527	Horse scaffolds.	WAC 296-24-885	Vehicle-mounted elevating and rotating work platforms.
WAC 296-24-82529	Needle beam scaffold.	WAC 296-24-88501	Definitions.
WAC 296-24-82531	Plasterers', decorators', and large area scaffolds.	WAC 296-24-88503	General requirements.
WAC 296-24-82533	Interior hung scaffolds.	WAC 296-24-88505	Specific requirements.
WAC 296-24-82535	Ladder-jack scaffolds.		
WAC 296-24-82537	Window-jack scaffolds.		
WAC 296-24-82539	Roofing brackets.		
WAC 296-24-82541	Crawling boards or chicken ladders.		
WAC 296-24-82543	Float or ship scaffolds.		
WAC 296-24-82545	Scope.		
WAC 296-24-840	Manually propelled mobile ladder stands and scaffolds (towers).		
WAC 296-24-84001	Definitions.		
WAC 296-24-84003	General requirements.		
WAC 296-24-84005	Mobile tubular welded frame scaffolds.		
WAC 296-24-84007	Mobile tubular welded sectional folding scaffolds.		
WAC 296-24-84009	Mobile tube and coupler scaffolds.		
WAC 296-24-84011	Mobile work platforms.		
WAC 296-24-84013	Mobile ladder stands.		
WAC 296-24-870	Power platforms for exterior building maintenance.		
WAC 296-24-87001	Definitions.		
WAC 296-24-87009	Inspections and tests.		
WAC 296-24-87011	Powered platform installations—Affected parts of buildings.		
WAC 296-24-87013	Powered platform installations—Equipment.		
WAC 296-24-87015	Maintenance.		
WAC 296-24-87017	Operations.		

**WSR 00-09-002****PERMANENT RULES****DEPARTMENT OF REVENUE**

[Filed April 5, 2000, 4:14 p.m.]

Date of Adoption: April 5, 2000.

Purpose: Informs taxpayers and counties that federal law preempts real estate excise tax upon transfers made under confirmed Chapter 11 and Chapter 12 bankruptcy plans.

Citation of Existing Rules Affected by this Order: Amending WAC 458-61-230.

Statutory Authority for Adoption: RCW 82.32.300 and 84.45.150.

Other Authority: 11 U.S.C. sec. 1146(c) and 12 U.S.C. sec. 1231(c).

Adopted under notice filed as WSR 00-04-055 on January 28, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 April 5, 2000  
 Claire Hesselholt  
 Rules Manager  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 94-04-088, filed 2/1/94, effective 3/4/94)

**WAC 458-61-230 Bankruptcy.** (1) The real estate excise tax ~~((applies))~~ does not apply to conveyances of real property by a trustee in bankruptcy ~~((when))~~ or debtor in possession made under either a ~~((chapter 7 plan or chapter 13 plan, but not when made under a))~~ chapter 11 plan or chapter 12 plan after the bankruptcy plan is confirmed.

(2) The date when the bankruptcy plan was confirmed, the court case cause number, and the bankruptcy chapter number must be cited on the affidavit when claiming this exemption.

**WSR 00-09-003**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed April 5, 2000, 4:16 p.m.]

Date of Adoption: April 5, 2000.

Purpose: This revised text of WAC 458-12-320, updates and consolidates information currently found in WAC 458-12-315 and 458-12-320. Property Tax Bulletin 97-1 reflects the current valuation and assessment practices related to public timber sales. The rule being adopted incorporates information from the bulletin and supplants the two existing rules on this subject. It establishes uniform procedures to be used in determining the taxable value of timber sold by agencies of state and local government separately from publicly owned land. It also describes the origin and use of the State Timber Sales Adjustment Table, the effect road construction costs have on the true and fair value of the timber, and the method used to determine the amount and value of timber remaining from a public timber sale on each January 1st assessment date. WAC 458-12-315 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-315 Timber and forest products—Valuation; and amending WAC 458-12-320 Timber ~~((and forest products))~~—Ownership—Valuation—Roads—Easements over public lands.

Statutory Authority for Adoption: RCW 84.04.080 and 84.33.074.

Other Authority: RCW 84.33.040 and 84.33.074.

Adopted under notice filed as WSR 00-05-033 on February 9, 2000.

Changes Other than Editing from Proposed to Adopted Version: A mathematical error in the example regarding lump sum sales was corrected.

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 1, 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 1, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2000

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending Order PT 68-6, filed 4/29/68)

**WAC 458-12-320 Timber ~~((and forest products))~~—Ownership—Valuation—Roads—Easements over public lands.** ~~((Federal timber itself is not taxable until title passes to the taxable party under the terms of the purchase agreement. Contract interest of private parties in such exempt timber is taxable. Such contracts must have value in themselves in order to be taxable. (Skate Creek Logging Company Case v. Fletcher 46 Wn.2d 160 (1955); AGO 1923-24, p. 33; AGO 12-2-52; AGO 5-5-53; AGO 53-55 No. 29, 4-30-53) The principles for assessing leasehold interests as contained in WAC 458-12-325 shall be followed. Where a private owner has a right of way easement over land where title is in the United States appurtenant to owner's adjoining lands, such easement and land to which it is appurtenant shall be assessed and taxed together. (Hammond Lumber Company v. Cowlitz County, 84 Wash. 462 (1915); Ozette Railway Company v. Grays Harbor County, 16 Wn.2d 459 (1943); AGO 4-2-1942.))~~ (1) **Introduction.** The purpose of this rule is to establish uniform procedures to be used in determining the taxable value of timber sold by agencies of state and local government separate from publicly owned land. This rule examines the different types of timber sales and outlines the factors used to determine the true and fair value of timber sold at each type of sale. It also describes the origin and use of the State Timber Sales Adjustment Table ("adjustment table" or "table"), the affect road construction costs have on the true and fair value of the timber, and the method used to determine the amount of timber remaining from a sale on each January 1st assessment date.

(2) **General provisions.** Any standing timber sold by the state department of natural resources ("DNR") or any state or local governmental agency separate from the land, except federally owned land, which is then held or owned separately from the land, is subject to personal property tax (see RCW 84.04.080). As used in this section, "timber" has the same meaning as the term is defined in RCW 84.33.035 and WAC 458-40-610.

**1998 STATE TIMBER SALE ADJUSTMENTS**

(a) Under the provisions of RCW 84.33.078, the notice of sale or prospectus prepared by the governmental entity selling the timber must state that the timber is subject to personal property tax. Any property tax paid on the timber may be used as a credit against any tax imposed under RCW 84.33.041 on timber harvested from publicly owned land.

(b) The amount of personal property tax owed is determined by the true and fair value of the timber, which was sold as part of a public timber sale, remaining on the public land on each January 1st assessment date. The true and fair value is the original sales price ("sales price") of the timber, in cash and other consideration, adjusted by the table that is contained in subsection (3) of this section. "Other consideration" includes, but is not limited to, any permanent improvements to the land such as roads (see WAC 458-40-610).

(3) **Adjustment table.** The department's property tax division issues an adjustment table on or before the last day of February each year. This table is used, in combination with the sales price, to calculate the true and fair value of timber remaining on public land each January 1st assessment date. The sales price of the timber sold must be adjusted to reflect the true and fair value of the remaining timber as of the January 1st assessment date. The adjustment table is based on the average quarterly stumpage price of DNR timber sales throughout the state. The table is based on a multiple regression analysis model that reflects variations in the average quarterly timber sales' values during the pertinent time interval; that is, the time between the quarter in which the sale takes place and the assessment date.<sup>1</sup>

(a) The true and fair value of timber remaining on each January 1st assessment date is calculated by adjusting the sales price by an amount listed on the adjustment table. The amount of adjustment is determined by the date of the timber sale as follows:

<u>DATE OF SALE</u>	<u>FIGURE TO BE USED FROM ADJUSTMENT TABLE</u>
<u>1/1 through 2/15</u>	<u>1st Quarter</u>
<u>2/16 through 5/15</u>	<u>2nd Quarter</u>
<u>5/16 through 8/15</u>	<u>3rd Quarter</u>
<u>8/16 through 11/15</u>	<u>4th Quarter</u>

(b) No adjustment is needed if the sale occurs on or between 11/16 through 12/31 of the year immediately preceding the assessment date. But, if the sale occurs on or between 11/16 through 12/31 of any previous year, the first quarter adjustment figure for the subsequent year should be used.

(c) Example. The following example should be used only as a general guide and cannot be relied upon for any other purpose.<sup>2</sup> The table below illustrates the form of the adjustment table:

<u>SALE DATE</u>	<u>QUARTER</u>	<u>ADJUSTMENT \$ PER MBF</u>
1994	Q1	-347.33
	Q2	-274.50
	Q3	-207.97
	Q4	-174.22
1995	Q1	-202.97
	Q2	-189.86
	Q3	-157.75
	Q4	-172.65
1996	Q1	-142.12
	Q2	-123.07
	Q3	-113.49
	Q4	-168.55
1997	Q1	-161.06
	Q2	-134.70
	Q3	-133.77
	Q4	-54.92
1998	Q1	-70.39
	Q2	-41.47
	Q3	-5.80
	Q4	19.06

(d) Salvage or blow down timber sales are not considered in developing the adjustment table. Therefore, the table is not used to determine the value of a salvage or blow down sale. The true and fair value of timber sold at such a sale is the sales price plus other consideration.

(4) **Determining volume remaining on assessment date.** One of the crucial factors in establishing the true and fair value of timber is determining the volume of timber remaining on the public land on each January 1st assessment date. The most accurate way to determine this volume is to hire a professional forester to cruise the remaining timber. However, if a professional forester is not hired, the type of timber sale will dictate the manner in which the volume remaining will be determined.

(a) **Lump sum sales.** A "lump sum sale" is a sale of timber wherein the total sales price is dependent upon an estimate of the total volume of timber (usually termed "cruise volume") in the sale, as opposed to the actual volume of timber harvested; for example: A sale for \$1,200,000 for all species of timber purchased (see WAC 458-40-610). This type of sale is also known as a "cash" or "installment" sale.

(i) If public timber is sold as a lump sum sale, the assessor may contact the purchaser and request information about the total volume of timber in MBF (thousand board feet) included in the sale, total purchase price of the sale, total volume of timber harvested, total volume of timber remaining on January 1st, and other facts pertinent to the sale. This information may be obtained by an audit of the purchaser's records

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or by a site visit to ascertain the volume of timber remaining on the land.

(ii) Calculating the true and fair value of a lump sum sale is a three step process. First, the total sales price must be converted into an average price per thousand board feet (\$/MBF) by dividing the sales price by the original cruise volume, as established by the public owner. Second, calculate an adjusted sales price by adjusting the average price/MBF using the adjustment table. And third, calculate the true and fair value by multiplying the adjusted sales price by the volume of timber remaining on January 1st of the assessment year. The following example is provided for illustrative purposes only and cannot be relied upon for any other purpose:

Date of Lump Sum Sale:	3/18/98
Original Sales Price (All Species):	\$2,050,000
Original Cruise Volume (All Species):	3,709 MBF
Volume remaining on 1/1/99:	1,235 MBF
Actual cost of roads:	\$55,000

1st step: Calculate average price per MBF (sales price ÷ cruise volume)

Average Price Per MBF:  $\$2,050,000 \div 3,709 \text{ MBF} = \$553 \text{ per MBF}$

2nd step: Calculate adjusted sales price: Add or subtract the appropriate adjustment from the average price per MBF. In this case, the sale occurred after 2/16 so the 2nd Quarter adjustment is used.

Adjusted Sales Price:  $\$553 - \$41 = \$512/\text{MBF}$

3rd step: Calculate true and fair value: Multiply volume of timber remaining on 1/1 assessment date by adjusted sales price.

True & Fair Value without consideration for roads:  $1,235 \text{ MBF} \times \$512 = \$632,320$

(b) **Scale sales.** A scale sale is a sale of timber in which the sales price is the product of the actual volume of timber harvested and the unit price of each species at the time of harvest (see WAC 458-40-610).

(i) If public timber is sold as a scale sale, the assessor uses the "cut and sold report" compiled by DNR to calculate the volume of timber remaining on the land on each January 1st assessment date.

(ii) Calculating the true and fair value of timber remaining from a scale sale is a two step process. First, determine an adjusted price per MBF by adjusting the sales price for each timber species using the adjustment table. Second, calculate the true and fair value by multiplying the adjusted sales price per MBF by the volume of timber, by species, remaining on January 1st of the assessment year. The following example is provided for illustrative purposes only and cannot be relied upon for any other purpose:

Date of Scale Sale:	1/21/98
Original Sales Price:	Doug Fir = \$425/MBF W. Hemlock = \$300/MBF
Volume remaining on 1/1/99:	Doug Fir = 750 MBF W. Hemlock = 250 MBF

1st step: Calculate adjusted sales price per MBF: Add or subtract from the sales price for each species the appropriate adjustment listed on the adjustment table. In this example the adjustment listed for 1st Quarter 1998 should be used because the sale occurred between 1/1 and 2/15.

Adjusted Sales Price:

Doug Fir	=	\$425/MBF - \$70	=	\$355/MBF
W. Hemlock	=	\$300/MBF - \$70	=	\$230/MBF

2nd step: Calculate true and fair value: Multiply the volume of timber, by species, remaining on 1/1 assessment date by the adjusted sales price.

Doug Fir	=	750 x \$355	=	\$266,250
W. Hemlock	=	250 x \$230	=	\$57,500

True & Fair Value without consideration for roads:  $\$323,750$

(5) **Road construction costs.** In many public timber sales, permanent roads are constructed to provide the purchaser with access to the timber. As used in this section, "permanent roads" refers to both required and optional roads. These roads are generally constructed according to standards prescribed by the governmental agency selling the timber. An assessor may obtain information about the roads from the timber purchaser. Road construction costs are considered in the original sales price and are used to determine the true and fair value of timber.

(a) Road construction costs are established by using one of the following methods:

(i) Actual road construction costs; or

(ii) Average road values ascertained by determining the number of stations (a "station" = 100 feet) listed on the "timber notice of sale." The number of stations is then multiplied by the dollar amounts listed below to calculate a total average road value.

**AVERAGE ROAD VALUES**

Western Washington:

New Construction	\$	1149 per station
Reconstruction/Betterment	\$	249 per station

Eastern Washington:

New Construction	\$	118 per station
Reconstruction/Betterment	\$	31 per station

(b) Road construction costs are not adjusted by the adjustment table because these costs remain relatively stable.

(c) Calculating the true and fair value of a public timber sale including road construction is a four step process. First, road construction costs must be determined using one of the methods contained in subsection (5)(a) of this section. Second, calculate an average value of roads per MBF by dividing the road construction costs by the volume of timber on the public land on the date of sale. The volume will either be the

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cruise volume, if the sale was a lump sum sale, or the volume of timber per species, if the sale was a scale sale. Third, add the average value of roads per MBF to the adjusted sales price per MBF to arrive at a final adjusted sales price including road costs. And fourth, calculate the true and fair value by multiplying the final adjusted sales price by the total volume of timber remaining for all species (on lump sum sales) or by the volume of timber remaining for each species (on scale sales) on the January 1st assessment date.

(d) Example. The following is a continuation of the example regarding lump sum sales in subsection (4)(a)(ii) of this section. The example is provided for illustrative purposes only and cannot be relied upon for any other purpose:

Facts from Lump Sum Sale:

<u>Cruise volume of timber:</u>	<u>3,709 MBF</u>
<u>Actual costs of roads:</u>	<u>\$55,000</u>
<u>Adjusted sales price:</u>	<u>\$512/MBF</u>
<u>Volume remaining on 1/1/99:</u>	<u>1,235 MBF</u>

Procedure to calculate the true & fair value of a public timber sale including road construction:

1st Step: Determine road construction costs (actual costs or average road value)

<u>Actual Cost of Roads:</u>	<u>\$55,000</u>
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2nd Step: Calculate average road cost per MBF (road construction costs + volume of timber sold)

<u>Average Road Cost per MBF:</u>	<u><math>\\$55,000 \div 3,709 = \\$15/\text{MBF}</math></u>
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3rd Step: Calculate final adjusted sales price (adjusted sales price + average road cost/MBF)

<u>Final adjusted sales price including road costs:</u>	<u><math>\\$512 + 15 = \\$527</math></u>
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4th Step: Calculate True & Fair value on assessment date (final adjusted sales price x volume remaining)

<u>True &amp; Fair Value including road costs on 1/1/99 assessment date:</u>	<u><math>\\$527 \times 1,235 = \\$650,845</math></u>
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(6) Easements to adjoining public land. When a private party has been granted a right-of-way easement over public land that is adjacent to their privately owned land, the privately owned land and the easement shall be valued and taxed together.

<sup>1</sup>A copy of this table may be obtained from Property Tax at P.O. Box 47471, Olympia, Washington 98504-7471, (360) 753-1382, FAX (360) 586-7602.

<sup>2</sup>The examples contained in this rule identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all the facts and circumstances.

**WSR 00-09-004**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed April 5, 2000, 4:18 p.m.]

Date of Adoption: April 5, 2000.

Purpose: The revised text of WAC 458-16-080 updates and consolidates information currently found in WAC 458-

16-080 and 458-16-081. These rules relate to RCW 84.36.400 which confers a property tax exemption on improvements to single family dwellings. The rule being adopted, WAC 458-16-080, contains all information necessary to understand and administer this exemption. It sets out definitions of the terms related to this exemption for improvements to single family dwellings, explains the process of obtaining the exemption, and describes how the amount of the exemption is calculated. WAC 458-16-081 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-16-081 Improvements to single family dwellings—Exemptions—Filing—Amount—Limits; and amending WAC 458-16-080 Improvements to single family dwellings—Definitions—Exemption—Limitation—Appeal rights.

Statutory Authority for Adoption: RCW 84.36.400.  
 Other Authority: RCW 84.36.365.

Adopted under notice filed as WSR 00-05-032 on February 9, 2000.

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 1, 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 1, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2000  
 Russell W. Brubaker  
 Assistant Director  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending Order PT 75-3, filed 5/23/75)

**WAC 458-16-080 Improvements to single family dwellings—Definitions—Exemption—Limitation—Appeal rights.** ((For the purpose of WAC 458-16-080 and 458-16-081 and RCW 84.36.400:

(1) The term "single family dwelling" shall mean a detached dwelling unit and the lot on which the dwelling stands which is designed for, and not occupied by, more than one family. Said dwelling unit must meet the definition of real property contained in WAC 458-12-010 and RCW 84.04.090.

(2) The term "physical improvement" shall mean any addition, improvement, remodeling, renovation, structural correction or repairs which shall materially add to the value or condition of an existing dwelling. It shall also include the

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addition of, or repairs to, garages, carports, patios or other improvements attached to and compatible with similar dwellings, but shall not include swimming pools, outbuildings, fences, etc., which would not be common to or normally recognized as components of a dwelling unit.) (1) **Introduction.** This section explains the property tax exemption available to taxpayers when they make physical improvements to their single family dwelling under the provisions of RCW 84.36.400. It explains the process by which this exemption is obtained and how the amount of the exemption is calculated.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Department" means the department of revenue.

(b) "Single family dwelling" or "dwelling" means a structure maintained and used as a residential dwelling that is designed exclusively for occupancy by one family.

(i) It is an independent and free-standing structure containing one dwelling unit and having a permanent foundation.

(ii) For the purposes of this exemption, a manufactured home, mobile home, or park model trailer will be considered a "single family dwelling" if it has substantially lost its identity as a mobile unit by virtue of its being permanently fixed in location upon land owned or leased by the owner of the manufactured home, mobile home, or park model trailer and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, or other utilities.

(c) "Physical improvement" means any addition, improvement, remodel, renovation, or structural enhancement that materially adds to the value of an existing single family dwelling. It is an actual, material, and permanent change that increases the value of the dwelling.

(i) The term includes the addition of a garage, carport, patio, or other improvement to the dwelling that materially adds to its value.

(ii) The term does not include a swimming pool, outbuilding, fence, landscaping, barn, shed, shop, or other item that enhances the land upon which the dwelling stands, but is not common to or normally recognized as a structural component of a single family dwelling.

(iii) The term does not include repairs to or deferred maintenance of a dwelling.

(d) "Physical inspection" means, at a minimum, an exterior observation of the dwelling to determine what physical improvements have been made and whether they increase its true and fair value.

(e) "Real property" has the same meaning as contained in RCW 84.04.090 and chapter 458-12 WAC; these definitions should be consulted as a matter of course in interpreting and administering this exemption.

(f) "Repairs" means work that preserves the dwelling or returns it to its original condition or use.

(g) "Taxpayer" means any person charged, or whose property is charged, with property tax for the dwelling.

(3) **Exemption - taxpayer's obligations.** Physical improvements to a single family dwelling upon real property are exempt from property tax for three assessment years after the improvements are completed. The amount of the exemption is the difference between the true and fair value of the dwelling before and after the physical improvement. How-

ever, the amount of the exemption cannot exceed thirty percent of the true and fair value of the dwelling prior to the improvements.

(a) The following conditions must be met to receive this exemption:

(i) The dwelling must be a "single family dwelling" as defined in subsection (2) of this section;

(ii) The taxpayer must file a claim for the exemption with the assessor of the county in which the real property is located before the improvements are completed. All claims shall be made on forms prescribed by the department and signed by the taxpayer or the taxpayer's authorized agent. Claim forms may be obtained from the assessor's office or the department; and

(iii) The taxpayer may not claim this exemption more than once in a five-year period on the same dwelling. The five-year period begins the first assessment year the exemption appears on the county's assessment roll.

(b) When the improvements are completed, the taxpayer must submit a written notice of completion to the assessor.

(c) The following examples show how eligibility requirements for this exemption will be applied. These examples should be used only as a general guide and cannot be relied upon for any other purpose.

(i) Example 1. The addition of a garage or carport to a single family dwelling may qualify for exemption because it may increase the value of and is compatible with the existing residential dwelling. Conversely, the construction of a swimming pool, shed, barn, or shop, which are not commonly attached to a dwelling, does not qualify for the exemption; even though the construction of such a structure may increase the value of the parcel as a whole.

(ii) Example 2. The replacement of a composition roof with a tile roof on a dwelling may qualify for exemption because a tile roof may increase the value of the dwelling. If the composition roof is repaired or replaced with the same type of composition roofing materials, the repair or replaced roof will not qualify for the exemption.

(4) **Assessor's duties.** Upon receipt of a taxpayer's claim for exemption, the assessor shall determine the true and fair value of the unimproved dwelling. This value may be determined by means of a physical inspection and appraisal or a statistical update of the value shown on the county's current assessment roll. After receiving a notice of completion from the taxpayer, the assessor shall revalue the improved dwelling by means of a physical inspection to determine the amount of the exemption.

(5) **Amount of exemption.** The amount of the exemption is the difference between the dwelling's true and fair value before and after improvements, but this amount cannot exceed thirty percent of the true and fair value of the original unimproved dwelling. In other words, the amount of the exemption is determined by subtracting the true and fair value of the unimproved dwelling from the true and fair value of the dwelling including improvements. The cost of the physical improvements is not the basis for the exemption granted under RCW 84.36.400 and, as a result, the exemption granted is not normally equivalent to the costs incurred by the taxpayer.



(a) The amount of the exemption shall be deducted from the assessed value of the improved dwelling for the three assessment years immediately following completion of the improvement.

(b) The dwelling must at all times be a "single family dwelling" as defined in subsection (2) of this section. If the assessor determines the dwelling does not meet this definition, the exemption will be denied or canceled.

(c) When an exemption has been granted and placed on the assessment roll, the exemption will continue for the three-year exemption period even if the single family dwelling is sold. The exemption pertains to the dwelling and is not personal to the individual property owner.

(d) Example. The following example should be used only as a general guide and cannot be relied upon for any other purpose. In 1998, Taxpayer A completed the addition of a family room and the renovation of the kitchen. These improvements cost the taxpayer \$60,000. (As the following example will show, the cost of improvements is not the basis of the amount of the exemption.)

True & fair value of dwelling prior to improvements \$150,000  
 True & fair value of improved dwelling \$200,000  
 Difference (value of physical improvements) \$50,000  
 Amount of exemption \$45,000

The difference between the value of the improved dwelling and the value of the unimproved dwelling (\$50,000) or 30% of the unimproved dwelling (\$150,000 x 30% = \$45,000), whichever is less.

The assessed value of the improved dwelling will be reduced by \$45,000 for the next three assessment years (1999, 2000, and 2001).

(6) Limitation. This exemption may not be claimed on the same dwelling more than once in a five-year period. This five-year period begins the first year the exemption appears on the county's assessment roll. (In the example above, the taxpayer may not file another claim for an exemption on this dwelling under RCW 84.36.400 until 2003.)

(7) Relationship to revaluation cycle. Chapter 84.41 RCW requires each county to establish and maintain a systematic program to revalue all taxable real property within the county at least once every four years.

(a) When an exemption has been granted under RCW 84.36.400, the dwelling may be revalued during the three assessment years the exemption is in effect in accordance with the county's scheduled revaluation plan. The revaluation program will proceed as usual, but the amount of the exemption will remain unchanged.

(b) Example. The following example, which is a continuation of the example set out in subsection (5)(d) of this section, should be used as a general guide and cannot be relied upon for any other purpose.

The scheduled revaluation plan for the county in which the single family dwelling is located calls for all property to be revalued every four years. The unimproved dwelling was revalued in 1997. The dwelling is improved and a claim for exemption is submitted and approved in June 1998. The first year the exemption will be reflected on the assessment roll is 1999.

	1997 Revaluation & Assessment Year	1998 Assessment Year Improvements are completed	1999 Assessment Year	2000 Assessment Year	2001 Revaluation & Assessment Year	2002 Assessment Year
True & fair value of dwelling	\$150,000	\$150,000 +50,000*	\$200,000	\$200,000	\$225,000	\$225,000
Amount of exemption	none	none	- 45,000**	- 45,000	- 45,000	none
True & fair value of dwelling minus exemption	n/a	n/a	\$155,000	\$155,000	\$180,000	\$225,000
Assessed value of dwelling	\$150,000	\$200,000	\$155,000	\$155,000	\$180,000	\$225,000
*New construction value on 7/31	n/a	\$50,000*	n/a	n/a	n/a	n/a

\*RCW 36.21.080 authorizes the assessor to place the increased value of any property that is increased in value due to construction or alteration for which a building permit was issued, or should have been issued, on the assessment rolls for the purposes of tax levy up to August 31st of each year. The assessed value of the property shall be considered as of July 31st of that year.

\*\*Even though the value of the dwelling increased by \$50,000, the amount of the exemption cannot exceed 30% of the true and fair value of the unimproved single family dwelling (i.e., \$150,000 x 30% = \$45,000).

(8) Exemption in relationship to destroyed property. If the value of a dwelling has been reduced under the provisions of chapter 84.70 RCW because it was destroyed, the

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dwelling is ineligible to receive the exemption authorized by RCW 84.36.400.

(9) Right to appeal. A taxpayer who applies for an exemption under RCW 84.36.400 may file an appeal with the county board of equalization under the following circumstances:

- (a) The application for exemption is denied;
- (b) The exemption is removed prior to the expiration of the three-year exemption period; or
- (c) The taxpayer disputes the amount of the exemption granted.

**WSR 00-09-008**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 6, 2000, 2:50 p.m.]

Date of Adoption: April 4, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-005 Terminology.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.135, 46.16.225, 46.16.490, 46.17.276.

Adopted under notice filed as WSR 00-03-094 on January 19, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 4, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 97-10-003, filed 4/24/97, effective 5/25/97)

**WAC 308-96A-005 Terminology—Definitions.**

Terms used in chapter 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context ((thereof)) clearly indicates to the contrary((=

(1) The terms "license or licensing" and "register or registering" are synonymous and mean the act of registration of a vehicle pursuant to chapter 46.16 RCW.

(2) The terms "tonnage," "declared gross weight," and "combined gross weight" are used interchangeably when referring to license fees for trucks, motor trucks, truck tractors, road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six.

(3) "No bill" or "special mailer" means the notice to renew a license provided by the department in lieu of a renewal notice. The special mailer requires additional or corrective information prior to the registration renewal.

(4) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department.

(5) "Current year" means the current registration year unless otherwise stated.

(6) "Month of expiration" or "expiration month" means the calendar month during which a registration year ends.

(7) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(8) "License fee" means the fees required for the act of licensing a vehicle pursuant to chapter 46.16 RCW. License fee does not include special license plate fees and fees collected by the department for other jurisdictions.

(9) "Day of expiration" or "expiration day" means the day of the month that a vehicle registration, gross weight license, or tabs expire).

(1) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(2) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(3) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(4) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(5) "Expiration day and month."

(a) "Day of expiration" or "expiration day" means the day of the month on which the vehicle registration, gross weight license, or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration year ends. (WAC 308-96A-260.)

(6) "Department" means the department of licensing. (RCW 46.04.162.)

(7) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(8) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(9) "Fixed load vehicle" a fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(10) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

(11) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(12) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction. (WAC 308-96A-345.)

(13) "License or licensing" and "register or registering" are synonymous and mean the act of registration under chapter 46.16 RCW.

(14) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(15) "Licensed physician" for the purpose of disabled person parking privileges, means, chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(16) "Municipality" in reference to parking tickets means every court having jurisdiction over offenses committed under RCW 46.20.270. (WAC 308-96A-345.)

(17) "NCIC" means the National Crime Information Center.

(18) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(19) "One hundred twenty day notice" in reference to parking violations means a warning notice "notice of parking tickets" that contains a list of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(20) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(21) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department. (WAC 308-96A-345.)

(22) "Permanent" in reference to disabled person parking privileges means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381, WAC 308-96A-306.)

(23) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(24) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must

be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(25) "Placard" means a document issued to persons who qualify for special parking privileges for disabled persons under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(26) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(27) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(28) "Privilege" in reference to disabled person's parking privileges means the right to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090, WAC 308-96A-306.)

(29) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(30) "Rental car" means a rental car as defined in RCW 46.04.465.

(31) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(32) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(33) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(34) "Tab" means a decal issued by the department that is affixed to the license plate(s) for a specific vehicle.

(35) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle in the truck/commercial use class. (RCW 46.16.070 and 46.16.111.)

(36) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration. (WAC 308-96A-026.)

(37) "Vehicle database record" means the electronic record stored on the department's motor vehicle database reflecting vehicle and ownership information.

**WSR 00-09-010**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 00-02—Filed April 7, 2000, 2:38 p.m.]

Date of Adoption: April 6, 2000.

Purpose: Allow ecology to offer lower interest rates on water quality loans to local governments, tribes, and special districts.

Citation of Existing Rules Affected by this Order: Amending chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund.

Statutory Authority for Adoption: Chapter 90.50A RCW, Water pollution control facilities—Federal capitalization grants.

Adopted under notice filed as WSR 00-04-085 on February 2, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 6, 2000

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 98-10, filed 11/24/98, effective 12/25/98)

**WAC 173-98-030** How, and under what conditions, can money from the state water pollution control revolving fund be used? (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, payments of principal and interest, and any other funds earned or deposited;

(b) To make loans to applicants in order to finance the planning, design, and/or the construction of water pollution control facilities, make loans to applicants for the implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To provide loans for up to twenty years reserve capacity for water pollution control facilities;

(d) To buy or refinance the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must be for construction initiated after that date according to federal and state law);

(e) To guarantee or purchase insurance for local obligations where such an action would improve credit market access or reduce interest rates;

(f) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of those bonds will be deposited in the fund; and

(g) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing the terms of financial assistance. Recipients' interest rates will be based on the average market interest rate. The average market interest rate will be based on the daily market rate published in the *Bond Buyer's Index* for tax exempt municipal bonds ~~((The average market rate will be calculated three months before the SRF funding cycle begins using the daily market interest rate for those months. The average market interest rate will be recalculated three months before the Draft IUP is issued, based on the daily market interest rate for those months. If that interest rate is at least 0.1 percent below the previously calculated average market interest rate, recipients' interest rates will be based on the lower average market interest rate rounded to the nearest 0.1 percent. Recipients will not receive an interest rate higher than the interest rate established at the beginning of the funding cycle))~~ for the period from sixty to thirty days before the SRF annual funding application cycle begins, using the daily market interest rate for that period.

Loan terms and interest rates are as follows:

Repayment Period	<del>((Project Duration))</del>	Interest Rate
((Up to five years:))	<del>((Projects must be completed in less than two years from the effective date of the SRF loan agreement to project completion.))</del>	<del>((Zero percent interest rate.))</del>
Up to five years:	<del>((Projects that take two years or more to complete from the effective date of the SRF loan agreement to project completion.))</del>	((Forty)) <u>Thirty</u> percent of the average market rate.

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More than 5 but (less) <u>no more</u> than <del>(15)</del> <u>20</u> years:	<del>((Not applica- ble:))</del>	Sixty percent of the average mar- ket rate.
<del>((15 to 20 years:</del>	<del>Not applicable.</del>	<del>Seventy-five per- cent of the aver- age market rate:))</del>

The director of the department of ecology or her/his designee may approve lower interest rates for annual funding application cycle if a financial analysis of the fund demonstrates that lower interest rates for that year are not detrimental to the perpetuity of the fund.

(3) Financial hardship assistance for facilities construction.

(a) Financial hardship assistance may be available to loan recipients for the existing residential need portion of a water pollution control facilities construction project if the project will cause a residential sewer user charge in excess of 1.5 percent of the median household income. Median household income is based on census data. Median household income data is updated yearly based on inflation. If median household income data is not available for a community the department will allow a local government to conduct a scientific survey to determine the median household income.

(b) The need for hardship assistance is calculated on water pollution control facilities construction costs associated with existing residential need at the time an application for funding is received by the department. The analysis does not include costs for growth. For example, if an applicant applies for ten million dollars to finance facilities construction costs, where six million dollars is for existing residential need and the remaining four million dollars is for growth, the hardship analysis would be based on the six million dollars for existing residential need.

(c) If the department determines that financial hardship exists, it may structure loan agreements with terms to help keep residential user charges below the financial hardship level for the existing residential need, if possible. Hardship terms may include lengthening the repayment period to a maximum of twenty years, lowering the interest rate, or a combination of a lower interest rate and an extended term.

(d) For some facilities projects, financial hardship cannot be established using residential user fees as a percent of median household income. In these situations, financial hardship determinations will be made on a case-by-case basis.

(e) If an applicant is requesting financial hardship assistance, it should submit a completed financial hardship analysis form with its application for financial assistance.

Purpose: To implement chapter 317, Laws of 1999 by increasing local effort assistance to 12% for all school districts and to update revenues in the levy base.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-139-605, 392-139-622, 392-139-623 and 392-139-661; and amending WAC 392-139-001, 392-139-005, 392-139-007, 392-139-310, 392-139-320, 392-139-610, 392-139-615, 392-139-620, 392-139-625, 392-139-660, 392-139-670, and 392-139-676.

Statutory Authority for Adoption: RCW 84.52.0531(9).  
Other Authority: RCW 28A.150.290.

Adopted under notice filed as WSR 00-05-061 on February 15, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 12, Repealed 4.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 12, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

April 10, 2000

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

PERMANENT

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-139-001 Authority.** The authorities for this chapter are RCW 84.52.0531(~~((+0))~~)(9) and 28A.150.290.

(1) RCW 84.52.0531(~~((+0))~~)(9) authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district excess levies otherwise known as the "Special levy lid law."

(2) RCW 28A.150.290 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the common schools pursuant to chapter 28A.150 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-139-005 Purposes.** The purposes of this chapter are to define the annual procedures that the superin-

**WSR 00-09-017**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed April 11, 2000, 8:50 a.m.]

Date of Adoption: April 10, 2000.

tendent of public instruction shall use to determine for each school district:

(1) The maximum dollar amount which may be levied on its behalf for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(2) The local effort assistance to be allocated to it pursuant to chapter 28A.500 RCW (~~(28A.500.010)~~).

**AMENDATORY SECTION** (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-007 Organization of this chapter.** This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

Sections 001-099 General provisions and definitions.

Sections 100-299 Definitions for excess levy authority.

Sections 300-399 Determination of excess levy authority.

Sections 600-649 Definitions for local effort assistance.

Sections 660-679 Determination of local effort assistance (~~for 1998 and thereafter~~).

Sections 900-999 Notification, petitions and requests for review.

#### **NEW SECTION**

**WAC 392-139-008 Effective date.** This chapter applies to levy authority and local effort assistance calculations for the 2000 calendar year and thereafter. Levy authority and local effort assistance calculations for 1998 and 1999 calendar years are governed by rules in effect during these years.

**AMENDATORY SECTION** (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-310 Determination of excess levy base.** The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

(1) Sum the following state and federal allocations for the prior school year:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and

6124 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

6151 Remediation;

6153 Migrant;

6164 Bilingual Title VII Part A;

6167 Indian education - JOM;

6264 Bilingual (direct); and

6268 Indian education - ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

4175 Local education program enhancement (including student learning improvement allocations); and

6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6138 Secondary vocational education;

6146 Skills center;

6177 Eisenhower professional development; and

6200 Direct special purpose grants (~~and~~

~~6246 Skills center - direct federal grant~~).

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington, revised (~~(1997)~~) 1998, except for the revenue accounts referenced in subsection (5) of this section, which are defined in the accounting manual, revised 2000.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Special education;

4155 Learning assistance;

4165 Transitional bilingual;

4174 Highly capable;

4175 Local education program enhancement;

4198 School food services (state);

4199 Transportation - operations;

4499 Transportation - depreciation;

6124 Special education - supplemental;

6138 Secondary vocational education;  
 6146 Skills center;  
 6151 Remediation;  
 6153 Migrant;  
 6176 Targeted assistance;  
 6177 Eisenhower professional development; and  
 6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

5200 General purpose direct federal grants - unassigned;  
 6100 Special purpose - OSPI - unassigned;  
 6164 Bilingual - Title VII Part A;  
 6167 Indian education - JOM;  
 6200 Direct special purpose grants;  
 ((6246 Skills center - direct federal grant;))  
 6264 Bilingual (direct);  
 6268 Indian education - ED; and  
 6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for 2001 and thereafter, the following federal allocations are included in the levy base in subsections (1)(c) and (4)(b) of this section:

6121 Special education - Medicaid reimbursements;  
 6267 Indian education - JOM;  
 6367 Indian education - JOM; and  
 6300 Federal grants through other agencies - unassigned.

(6) Effective for levy authority and local effort assistance calculations for 2003 and thereafter, allocations in subsections (4)(b) and (5) of this section shall be adjusted by the difference between actual and budgeted allocations for the school year before the prior school year calculated as follows:

(a) Sum actual revenues for these accounts from Report F-196; and

(b) Subtract final budgeted revenues for these accounts from Report F-195.

(7) State moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

((6)) (8) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-320 Determination of maximum excess levy percentage.** ((1) For 1998, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus two percent (e.g., 21.5% plus 2% equals 23.5%);

(2) For 1999 and thereafter,) The superintendent of public instruction shall calculate each school district's maximum excess levy percentage as the greater of twenty-four percent or the percentage calculated as follows:

((a)) (1) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by(:

(i) For 1999, the school district's 1993 maximum excess levy percentage plus four percent (e.g., 21.5% plus 4% equals 25.5%);

((ii) For 2000 and thereafter,) the school district's maximum excess levy percentage for the prior calendar year;

((b)) (2) Subtract from the result ((obtained in (a)) of subsection (1) of this ((subsection)) section the school district's levy reduction funds for the year of the levy; and

((c)) (3) Divide the result ((obtained in (b)) of subsection (2) of this ((subsection)) section by the school district's excess levy base.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

**WAC 392-139-610 Definition—District ((ten)) twelve percent levy rate.** As used in this chapter, "district ((ten)) twelve percent levy rate" means the district ((ten)) twelve percent levy amount divided by the district adjusted assessed valuation for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

**WAC 392-139-615 Definition—State-wide average ((ten)) twelve percent levy rate.** As used in this chapter, "state-wide average ((ten)) twelve percent levy rate" means ((ten)) twelve percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-620 Definition—Eligible school district((—1998 and thereafter)).** As used in this chapter, "eligible school district" ((for 1998 and thereafter)) means a school district whose ((ten)) twelve percent levy rate exceeds the state-wide average ((ten)) twelve percent levy rate.

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-625 Definition—State matching ratio((—1998 and thereafter)).** As used in this chapter, "state matching ratio" ((for 1998 and thereafter,)) means the ratio calculated for each school district as follows:

(1) Subtract the state-wide average ((ten)) twelve percent levy rate from the district ((ten)) twelve percent levy rate; and

(2) Divide the result by the state-wide average ((ten)) twelve percent levy rate.

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-660 Determination of maximum local effort assistance((—1998)).** The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district ((for calendar years 1998)) as follows:

- (1) Subtract the state-wide average (~~(ten)~~) twelve percent levy rate from the district (~~(ten)~~) twelve percent levy rate;
- (2) Divide the result obtained in subsection (1) of this section by the district (~~(ten)~~) twelve percent levy rate; and
- (3) Multiply the result obtained in subsection (2) of this section by the district (~~(ten)~~) twelve percent levy amount.

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-670 Local effort assistance allocations**(~~—1998 and thereafter~~). The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement (~~(for 1998 and thereafter)~~) as the lesser of the following amounts:

- (1) The school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or
- (2) The school district's maximum local effort assistance (~~(for 1998)~~) calculated pursuant to WAC 392-139-660(~~(, and for 1999 and thereafter calculated pursuant to WAC 392-139-661)~~).

AMENDATORY SECTION (Amending Order 98-06, filed 4/1/98, effective 5/2/98)

**WAC 392-139-676 Monthly payments of local effort assistance**(~~—1993, 1996 and thereafter~~). (~~For 1998 and thereafter,~~) The superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW (~~(28A.500.010(4))~~) 28A.500.040.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-139-605 Definition—District ten percent levy amount.
- WAC 392-139-622 Definition—Districts eligible for ten percent equalization—1999 and thereafter.
- WAC 392-139-623 Definition—Districts eligible for twelve percent equalization—1999 and thereafter.
- WAC 392-139-661 Determination of maximum local effort assistance—1999 and thereafter.

**WSR 00-09-045**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed April 14, 2000, 12:22 p.m.]

Date of Adoption: March 24, 2000.

Purpose: To delete recommendation that the construction manager be certified by the Construction Management Association of America.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-102 Construction management.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 00-05-104 on February 16, 2000.

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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 14, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-24-127, filed 12/1/99, effective 1/1/00)

**WAC 180-27-102 Construction management.** Prior to commencing with project design the district shall employ or contract personnel to perform professional construction management. Construction management shall be required for all projects greater than fifty thousand square feet and is optional for projects fifty thousand square feet or less. For the purpose of this section construction management is defined as the process of professional management applied to a construction program for the purpose of controlling time, cost, and quality.

The construction manager shall have appropriate and demonstrable experience in the management of construction projects including procurement, contract administration, scheduling, budgets, quality assurance, information management, and health and safety. (~~(A construction manager certified by the Construction Management Association of America is desirable, but not mandatory.)~~)

The amount of state assistance for which a district shall be eligible for construction management shall be the state matching percentage multiplied by two and one-half percent of the area cost allowance multiplied by the square foot area at the time of bid.

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**WSR 00-09-046**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed April 14, 2000, 12:27 p.m.]

Date of Adoption: March 24, 2000.

Purpose: The amendment provides for the inclusion of representatives from the vocational community on professional education advisory boards for teacher preparation programs at colleges/universities where vocational programs are offered.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-209 Professional education advisory boards—Membership.

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

Adopted under notice filed as WSR 00-05-079 on February 15, 2000.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule which dealt with clarifying membership on PEABs was further amended to include membership of private school representatives.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 6, 2000

Larry Davis

Executive Director

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

**WAC 180-78A-209 Professional education advisory boards—Membership.** The professional education advisory boards shall at a minimum consist of the following:

**(1) TEACHER.**

(a) One-half or more of the voting members shall be classroom teachers. All, but one, will be appointed by the president of the Washington Education Association (~~—Provided, That a college or university that has placed more than fifty percent of its graduates of the teacher certification program within the previous three academic years in private schools may appoint up to one-half of the practitioners required by this subsection from nominations from faculties of private schools in which the college or university places student teachers or teachers~~). One of these teachers shall be

employed in a private school and appointed by the Washington Federation of Independent Schools.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one college or university representative who may serve in a voting or nonvoting role.

(e) At colleges or universities where vocational programs are offered, one vocational director or vocational teacher, with expertise in one of the approved vocational programs at the college or university, appointed by the Washington Association of Vocational Administrators in cooperation with the college or university.

**(2) ADMINISTRATOR.**

(a) At least one-fourth of the voting members shall be administrators. All, but one, will be appointed by the president of the Association of Washington School Principals (~~and~~). One of the building administrators shall be employed in an approved private school and appointed by the Washington Federation of Independent Schools. At least one-fourth of the voting members shall be administrators appointed by the president of the Washington Association of School Administrators.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one college or university representative who may serve in a voting or nonvoting role.

**(3) SCHOOL COUNSELOR.**

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**(4) SCHOOL PSYCHOLOGIST.**

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**(5) SCHOOL SOCIAL WORKER.**

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

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(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**WSR 00-09-047**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed April 14, 2000, 12:34 p.m.]

Date of Adoption: March 24, 2000.

Purpose: The amendments and new sections add supporting endorsements for teaching certificates in a number of subject areas and clarify the field experience requirements for supporting endorsements.

Citation of Existing Rules Affected by this Order: Amending WAC 180-82-204, 180-82-342, and 180-82-343.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 00-05-083 on February 15, 2000.

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 5, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2000

Larry Davis  
 Executive Director

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-204 Endorsement requirements.** (1) Candidates for all primary (~~and supporting~~) teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (See WAC 180-78A-264(5)) and field experience/internship (See WAC 180-78A-264(7)) (~~for the first endorsement~~).

(2) (~~Colleges and universities shall consider modifying program requirements for individuals adding endorsements, based on the individual's previous course work, student teaching/internship, an assessment of the individual's knowledge and skills in the area of the endorsement being sought~~)

~~and other related endorsement areas, and previous teaching experience. In cases where individuals are employed as teachers,)) Candidates for all supporting teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which shall include methodology (see WAC 180-78A-264(5)). The requirement for field experience/internship for a supporting endorsement shall be at the discretion of the college/university. Provided, That in cases where programs require a field experience/internship the colleges and universities ((may)) should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule.~~

(3) The state board of education shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter 180-78A WAC.

(4) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(5) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(6) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(7) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

**NEW SECTION**

**WAC 180-82-311 Designated arts: Choral, instrumental, or general music—All levels, supporting.** In order to receive a supporting endorsement in designated arts: Choral, instrumental, or general music, the candidate shall have completed a state-approved preparation program in designated arts: Choral, instrumental, or general music which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Performance in-depth study of instrument or voice.
- (2) Aural skills and analysis.
- (3) Composition and improvisation.
- (4) Performance repertory (e.g., instrumental, choral, solo, world music).
- (5) Technology.
- (6) Conducting.
- (7) Arranging.
- (8) Theory analysis of music literature.

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(9) Equipment and facilities safety.

(10) Social, cultural, and historical contexts and connections.

#### NEW SECTION

**WAC 180-82-313 Designated arts: Visual arts—All levels, supporting.** In order to receive a supporting endorsement in designated arts: Visual arts, the candidate shall have completed a state-approved preparation program in designated arts: Visual arts which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Skills and techniques in multiple media (e.g., painting, sculpture, drawing, computer, photography).
- (2) Composition and production using design principles.
- (3) Analysis and interpretation of art.
- (4) Social, cultural and historical contexts and connections.
- (5) Material, equipment, and facilities safety.

#### NEW SECTION

**WAC 180-82-335 English—Secondary, supporting.** In order to receive a supporting endorsement in English the candidate shall have completed a state-approved preparation program in English which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speaking, listening, and analyzing).
- (4) Language skills (conventions) and structure (social/historical).
- (5) Literature (e.g., American, British, world, and multicultural).

#### NEW SECTION

**WAC 180-82-340 Health/fitness—All levels, primary.** In order to receive a primary endorsement in health/fitness the candidate shall have completed a state approved preparation program in health/fitness which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative perfor-

mance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Foundations of health and fitness
- (2) Safe living, including first aid and CPR.
- (3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).
- (4) Movement, activities, and application with attention to special needs populations.
- (5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention).

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

#### NEW SECTION

**WAC 180-82-341 Health/fitness—All levels, supporting.** In order to receive a supporting endorsement in health/fitness the candidate shall have completed a state-approved preparation program in health/fitness which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Foundations of health and fitness.
- (2) Safe living, including first aid and CPR.
- (3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).
- (4) Movement, activities, and application with attention to special needs populations.
- (5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention).

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-342 ((Health/fitness)) History—All levels, primary.** In order to receive a primary endorsement in ((health/fitness)) history the candidate shall have completed a state-approved preparation program in ((health/fitness)) history which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) ((Foundations of health and fitness

- ~~(2) Safe living, including first aid and CPR.~~
- ~~(3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).~~
- ~~(4) Movement, activities, and application with attention to special needs populations.~~
- ~~(5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention:)) Pacific Northwest history.~~
- (2) United States history, including chronological, thematic, multicultural, ethnic, and women's history.
- (3) World, regional, or country history.
- (4) Civics/political science/United States government.
- (5) Geography.
- (6) Economics.

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-343 History—Secondary, ((primary)) supporting.** In order to receive a ((primary)) supporting endorsement in history the candidate shall have completed a state-approved preparation program in history which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as ((forty-five)) twenty-four quarter credit hours (((thirty)) sixteen semester credit hours) ((#)) from the subject areas below. Through the completion of this course work and/or alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills ((#)) from the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic, and women's history.
- (3) World, regional, or country history.
- (4) Civics/political science/United States government.
- (5) Geography.
- (6) Economics.

**WSR 00-09-048**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed April 14, 2000, 12:39 p.m.]

Date of Adoption: March 24, 2000.

Purpose: The amendment will bring language into alignment with a recent administrative law judge decision.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-123 Previous standards.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 00-05-080 on February 15, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2000

Larry Davis

Executive Director

**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,~~

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~~except as noted under this section, for a new certificate pursuant to WAC 180-79A-124.)~~

**WSR 00-09-049**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed April 14, 2000, 12:42 p.m.]

Date of Adoption: March 24, 2000.

Purpose: The proposed amendment would require that individuals who are in preparation programs operating under previous standards complete those programs in a timely fashion.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-100 Existing approved programs.

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

Adopted under notice filed as WSR 00-05-082 on February 15, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2000

Larry Davis

Executive Director

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

**WAC 180-78A-100 Existing approved programs.** Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 180-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 180-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or

before December 31, 2003: Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(2) Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: Provided, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

((2)) (3) The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards.

((3)) (4) Each institution shall submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

((4)) (5) Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

((5)) (6) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

**WSR 00-09-051**

**PERMANENT RULES**

**GAMBLING COMMISSION**

[Order 382—Filed April 14, 2000, 4:19 p.m.]

Date of Adoption: April 14, 2000.

Purpose: This amendment clarifies and streamlines which criminal and civil actions must be reported to the commission. Furthermore, language was added so that licensees are required to report administrative actions related to gambling and ownership issues to the commission. In the past, it was not clear if "civil actions" included administrative actions.

Citation of Existing Rules Affected by this Order: Amending WAC 230-12-310.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 00-05-103 on February 16, 2000, with a publication of March 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: Language was added requiring licensees to report criminal actions within fourteen days, rather than having the licensee wait to report these actions with their next quarterly activity report, or if they do not submit quarterly activity reports, within thirty days. This allows the agency to more timely receive and process this important information.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 14, 2000

Susan Arland  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 162, filed 10/14/86)

**WAC 230-12-310 Licensees to report to the commission ~~((all))~~ civil ~~((or))~~, criminal and administrative actions filed against them.** (1) Each licensee shall report to the commission within fourteen days, all ~~((civil or))~~ criminal actions filed ~~((by or))~~ against the licensee or the licensee's president, chief executive officer, chairman of the board, treasurer (chief financial officer), partner ~~((or any))~~, person holding a substantial interest or manager of the licensed gambling activity. ~~((All civil cases involving personal injury, debt collection, adoption, paternity, wage disputes and noncriminal traffic infractions need not be reported.))~~ The final disposition of the case must be attached with the next quarterly activity report filed with the commission. Organizations not required to submit quarterly activity reports shall send the report to the commission within thirty days after the final disposition.

(2) Each licensee shall report to the commission civil and administrative actions filed by or against persons listed in subsection (1) of this section that involve ownership or control of the business, dissolutions, actions significantly affecting business interests, such as patent or copyright infringement and all administrative actions from other gambling regulatory agencies, including those from other countries and Indian tribes. This report shall be attached to the next quarterly activity report filed with the commission. Organizations not required to submit quarterly reports shall send the report to the commission within thirty days of their receipt of notice

of the action filed and within thirty days after the final disposition.

(3) The report shall consist of a complete copy of the original documents filed. The licensee shall notify the commission of the final disposition of the case and include a copy of the final documents filed including, but not limited to, settlement agreements.

~~((3) This report shall be attached to the next quarterly activity report filed with the commission. Organizations not required to submit quarterly reports shall send the report to the commission within thirty days of their receipt of notice of the action filed.))~~

(4) The director may exempt reporting specific types of civil actions upon written request and for good cause shown.

## WSR 00-09-052

### PERMANENT RULES

### GAMBLING COMMISSION

[Order 383—Filed April 14, 2000, 4:33 p.m.]

Date of Adoption: April 14, 2000.

Purpose: To implement legislation that passed in 1996 (SSB 6430) and 1997 (SSB 5560) card rooms to offer the following: Increased number of tables, alternative collection of fees, jackpot schemes and house banked card games. These rules set forth the regulatory and licensing requirements for card rooms to offer these activities.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-40-015, 230-40-060, 230-40-150, 230-40-160, 230-40-900, 230-02-400, 230-02-425; and amending WAC 230-40-010, 230-40-030, 230-40-050, 230-40-070, 230-40-120, 230-40-130, 230-40-200, 230-40-225, 230-40-400, 230-50-010, 230-02-110, 230-02-415, 230-04-022, 230-04-140, 230-04-255, 230-04-450, 230-08-040, 230-08-090, 230-08-160, 230-12-050, and 230-40-125.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 00-05-101 on February 16, 2000, with a publication of March 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: In the past, game starters (also referred to as "skills") had to be licensed as card room employees. This requirement was inadvertently removed when this rule was amended in January 1998. It is important that people that are facilitating card games meet the same requirements as other card room employees. Therefore, we have added language to require them to be licensed. Washington Blackjack was not repealed; however, no new licenses for the game will [be] issued, only card rooms operating the game on April 1, 2000, shall be allowed to offer it.

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 40, Amended 21, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 40, Amended 21, Repealed 7; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 14, 2000

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 373, filed 6/15/99, effective 8/1/99)

**WAC 230-40-010 Social card games—Rules of play—Types of card games authorized.** Social card games shall be played using rules and procedures as set forth in this section. Only card games that have been specifically authorized are allowed to be played in public or social card rooms ((licensed by the commission)). ((The commission hereby authorizes the following card games:))

(1) Social card games shall be played in the following manner:

(a) The game must be played with one or more standard decks of playing cards: Provided, That cards may be removed to comply with rules of a specific game, such as pinochle:

(b) Players shall compete against all other players on an equal basis for nonhouse-banked games or against the licensee for house-banked games:

(c) Each player shall receive their own hand of cards and be responsible for decisions regarding such hand, such as whether to fold, discard, draw additional cards, or raise the wager:

(d) Players shall not place wagers on any other player's or the house's hand and no side bets between players are allowed: Provided, That the following shall not be in violation of this section:

(i) An insurance bet placed in the game of blackjack;

(ii) A tip wager made on behalf of a dealer; or

(iii) "Envy" provisions which allow a player to receive a prize if another player wins a jackpot or odds wager;

(e) A player's win or loss shall be determined during the course of play of a single card game:

(f) No more than two separate games shall be played with a single hand of cards. For purposes of this section, bonus features and progressive jackpots are considered a game: Provided, That bonus features that allow a player to receive an additional prize if another player achieves a specific hand, such as "envy" or "share the wealth" features, shall not be considered a separate game if the player does not have to place a separate wager to participate; and

(g) The rules of play for each specific game played at a licensed card room shall be maintained on the licensed premises and immediately available for review by commission staff, local law enforcement, or a player upon request. Commission staff shall approve any modification to such rules prior to implementation. In addition, any rules related to

wager or prize pay out restrictions shall be clearly posted in the immediate area of such games.

(2) Nonhouse-banked card games shall only be played in the manner set forth in *The New Complete Hoyle, Revised, Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That each licensee may make immaterial modifications to each authorized game set out in Hoyle. The following nonhouse-banked card games are authorized:

(a) Poker ((—Any poker game described in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st edition, pages 219 through 277.));

((2)) (b) Hearts((-));

((3)) (c) Pinochle((-));

((4)) (d) Cribbage((-);

((5)) (e) Rummy((-);

((6) Pan-

(7)) (f) Panguingue (Pan);

(g) Pitch((-);

((8) Washington blackjack — as set forth in WAC 230-40-125.

(9) Pan-9.

((10)) (h) Bid Whist((-);

((11) Those games the director approves on a temporary, case-by-case basis. An application)) (i) Washington blackjack, if the business was licensed and operating the game on April 1, 2000, and under the restrictions set forth in WAC 230-40-125;

(j) Other games or modifications to approved games may be approved by the director, or the director's designee, on a case-by-case basis. Requests for approval of a game must be submitted in writing, and include the rules of play and all wagering schemes. ((Temporary approvals granted are valid for no more than six months or until adopted by the commission, whichever occurs first.))

(3) House-banked card games shall be approved by the director, or the director's designee, on a case-by-case basis. Request for approval of a house-banked card game must be submitted in writing, including the rules of play and all wagering schemes. A list of all approved games, modifications to games, and rules of play shall be available at all commission offices. The director may approve games in which the determination of whether a player wins or loses depends upon one or more of the following:

(a) The player's hand is a specific:

(i) Pattern or ranking of cards (pair, straight, flush, royal flush, etc.);

(ii) Combination of cards (two queens of hearts, ace and jack of spades, three sevens, etc.); or

(iii) Value of the cards (seventeen, twenty-one, etc.); and/or

(b) The player has a higher ranking or value hand than the house/dealer/banker.

(4) Once a game is approved for play, the director shall not remove it from the authorized list of games without providing licensees written notice. Licensees shall be afforded an opportunity to object to the director's decision. If an objection is filed, an administrative law judge shall review

the director's decision utilizing the brief adjudicative procedures set forth in WAC 230-50-010.

(5) The licensee shall be notified in writing when the director denies a request for a new game or modification of a game. The notification shall include reasons for the denial and provide the petitioner all information necessary for a formal petition to the commission for rule making, amendments, or repeal, as set forth in WAC 230-50-800.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 230-40-015 Rules by which the authorized card games shall be played.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 230-40-060 Persons shall not share in winnings or charge additional fee for playing cards.  
 WAC 230-40-150 Side bets prohibited.  
 WAC 230-40-160 Wagers by other than participants prohibited.  
 WAC 230-40-900 Public card room enhancement program—Pilot study.

**AMENDATORY SECTION** (Amending Order 184, filed 10/24/88)

**WAC 230-40-030 Number of tables and players limited.** ~~((1))~~ No licensee ~~((to allow a public card room on its premises))~~ shall allow more than ~~((five))~~ **fifteen** separate tables at which card games are played ~~((, nor))~~. No licensee shall allow more than ten players for nonhouse-banked card games and seven players and/or areas for wagering at house-banked card games to participate at any one table at any given time. ((Provided: When poker is played, additional players are authorized to participate at the card table(s) as follows;

- (a) Class E-1 2 players
- (b) Class E-2 thru E-5 and Class D 4 players

~~Provided further, that no table shall have more than twelve players.~~

~~(2) No licensee to allow a social card room on its premises shall allow more than ten players to participate at any one table at any given time. Provided, when poker is played, they may have two tables with 12 players at each table.~~

~~(3) The commission may permit a licensee to exceed the player limits on specific occasions for good cause shown. Requests to exceed the limit shall be submitted to the commission in writing not less than 30 days preceding the date upon which the licensee wishes to exceed the limit. The request shall indicate the date(s) involved, the reasons why~~

~~the request is made, and the number of games and players in the games which the licensee desires to allow on that occasion))~~ Each table shall be permanently numbered and readily identifiable by the licensee's surveillance system.

**NEW SECTION**

**WAC 230-40-040 Fees for house-banked card games—Prohibited—Exception.** No person shall be charged a fee, directly or indirectly, to participate in house-banked card games: Provided, That a licensee may collect a commission of not more than five percent from a winning hand of pai gow poker.

**AMENDATORY SECTION** (Amending Order 300, filed 9/18/96, effective 10/19/96)

**WAC 230-40-050 Fees for nonhouse-banked card playing—Method of assessment and collection—Maximum fees.** ~~((Except as provided in WAC 230-40-055 for card tournaments, no time-based or per-hand fee shall be charged a person, directly or indirectly, to play in a card game except as set forth in this section. Each type of fee shall be maintained and recorded separately from all other fees as set forth in WAC 230-08-090, and be available for audit by the commission and local law enforcement and taxing authorities.~~

~~(1) For all card games, the following procedures apply to collection of such fees:~~

~~(a) Fees shall be collected in advance by the licensee in cash, or in wagering chips, directly from the player;~~

~~(b)) No person shall be charged a fee, directly or indirectly, to play in a nonhouse-banked card game in excess of those fees set forth in this section. Each type of fee shall be maintained and recorded separately from all other fees and be available for audit by commission staff, local law enforcement, and taxing authorities.~~

~~(1) The following are authorized methods of assessing fees for playing social card games. Only one method of assessing fees may be used at a table at any given time:~~

~~(a) Fees based on a period of time - A specific fee of not more than ten dollars per hour, per player, may be charged to play social card games; Provided, That a licensee may collect the hourly fee in thirty-minute increments;~~

~~(b) Fees for each hand played - A specific fee of not more than one dollar per hand, per player, may be charged to play social card games;~~

~~(c) Fees based on the amounts wagered during a hand (rake) - A portion of the total amount wagered by a player, not to exceed five dollars per hand or ten percent of total wagers for a hand, whichever is less, may be collected for playing social card games; or~~

~~(d) Fees to enter tournaments shall be as set forth in WAC 230-40-055.~~

~~(2) Fees shall be collected by a licensed card room employee in the following manner:~~

~~(a) Fees assessed on a period of time shall be collected directly from each player by the dealer or floor supervisor responsible for that particular section of the card room. The~~

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"direct collection," "chip rack," or "drop box" methods set forth in this section may be used for collection of fees assessed on a period of time;

(b) Fees assessed on a per-hand basis shall be placed in a designated area of the table by the player and collected by the dealer before the first round of cards has been dealt. After collection, the dealer shall deposit all chips or coins in the chip rack or drop box, as applicable;

(c) Fees assessed on the amounts wagered during a game shall be collected by the dealer during play of the hand and placed in a designated area of the table. Once the maximum fee for a hand is accumulated, the dealer shall spread the chips or coins to allow players and the surveillance system the ability to verify the amount collected. After verification, chips shall be deposited in the dealer's chip rack or drop box, as applicable;

(d) All fees to enter tournaments shall be collected in advance of the start of play in accordance with WAC 230-40-055; or

(e) Licensees may apply to the director for approval of alternate fee collection methods. If approved, the method of collection shall be set forth in the letter granting approval.

(3) All fees collected from players shall be maintained and recorded as set forth in WAC 230-08-090. All collections shall be kept separate from all other chips and cash in the card room until recorded in the daily card room records and deposited in the cashier's cage. All chips and cash in the cashier's cage shall be kept separate from all other chips and cash located on the licensed premises at all times card games are conducted. The following methods may be used for control of fees collected for card games:

(a) Direct collection method - Fees are collected directly from each player by a licensed card room employee responsible for that particular section of the card room and deposited in the card room cage serving the area of the card room from which collections are made. Collections shall be made at least once per hour, at times designated by the licensee. All fees shall be recorded immediately upon collection, per WAC 230-08-090. This collection method may only be used when assessing fees based on a period of time.

(b) Chip rack method - This method is allowed for licensees that are licensed with three or fewer tables. It requires a licensed center dealer, a game lay-out with a designated area for player fees, and a chip rack separated into sections for each type of fee collected. Fees are temporarily stored in the chip rack and controlled by a licensed dealer until collected by the floor supervisor. All chips collected as fees shall be removed from the dealer's chip rack at least every four hours by the licensed card room employee responsible for that particular section of the card room. The removal process shall include the counting of chips and coins in the presence of players and immediately recording the totals on the record prescribed by the commission. The dealer and the supervisor making the removal shall each initial the prescribed record verifying its accuracy.

(c) Drop box method - Fees are temporarily stored in a numbered, locked drop box. The drop box method requires a center dealer, a table with a designated area for each type of player fee and/or fees removed from the pot, and a separate drop box for each type of fee. Drop box movement, storage,

and counting shall be conducted as prescribed in WAC 230-40-840. The drop box shall be located in a position that is isolated from the pot area and in plain view of all players and the surveillance system.

(4) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards ((except as authorized by this section)); Provided, That:

(a) A bona fide nonprofit or charitable organization may charge its usual membership fee to belong to the organization; and

(b) Licensees may collect an admission fee when providing entertainment, as long as the fee is charged to all patrons;

((e)) (5) A schedule setting forth all fees to participate in card games shall be posted in plain view where it can be seen by the players in the card games(-);

((2)) (6) A person requesting a new deck of cards beyond those regularly furnished by the ((operator, as required by WAC 230-40-070(2);)) licensee may be charged a fee not to exceed the actual cost to the licensee ((of)) for the deck. ((Further,)) Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game(-);

((3) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

(4)) (7) The licensee shall collect the same fee from all players at a table ((except licensed card room employees or the licensed owner)). If the licensee elects to allow free play, then all players at a table must be allowed to play for free((-

5) The amount collected shall be recorded by the licensee each half hour on forms supplied by the commission.

(6) All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

(7) This rule shall not prevent a licensee from collecting an admission fee for entry into that portion of the licensed premises conducting entertainment, provided that the same fee is charged to all patrons)); Provided, That a licensee may allow licensed card room employees and owners to play without a fee if fees are based on time, as authorized by subsection (1)(a) of this section.

AMENDATORY SECTION (Amending Order 374, filed 6/15/99, effective 8/1/99)

WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits. Washington blackjack shall not be allowed unless a business is licensed and operating the game prior to April 1, 2000.

(1) Fees to play Washington blackjack shall only be assessed on a time basis and collected using the direct method as defined in WAC 230-40-050. Washington blackjack is a nonhouse banking card game permitted in Class A and E card rooms. Washington blackjack shall be played in the following manner:

(2) No more than two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only as follows: Ace equal 1 or 11; face cards (King, Queen, Jack) equal 10 each; others according to their spots, 10 to 2. The number of decks used shall be established by house rule. The cards shall be dealt from a shoe at all times. The game is played with a player who deals the cards and banks the game (dealer/banker).

(3) When starting a new table the cards are cut to determine who the first banker will be. The dealer/banker shall announce the amount of money that he or she will put into the bank. If a minimum bank is established as per individual house rule, it shall not exceed ((five)) two hundred fifty dollars.

(4) Once the bank has been established, the player to the immediate left of the dealer/banker places his/her wager on the bet line and the dealer/banker covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer/banker. The maximum and minimum wager may be set by house rule but in no event shall the maximum wager exceed twenty-five dollars. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand.

(5) The play begins with the dealer/banker dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. A player may be dealt more than one hand by house rule. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects one and one-half times the amount of their bet from the dealer/banker, unless the dealer/banker also has a natural which results in a tie (push). All ties result in the players and the dealer/banker recovering their wagers.

(6) If the dealer/banker's face-up card is a ten, face card or ace, he/she shall look at the face-down card to see if he/she has a natural; if the face-up card is anything else, he/she may not look at the face-down card until his/her turn to draw. If the dealer/banker has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer/banker does not have a "natural," he/she pays off any player with a "natural" starting with the first one to the left of the dealer/banker. Should the dealer/banker not have enough money in the bank to make up the one and one-half for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer/banker cannot cover the one and one-half for one, the player shall get the amount of wager that was covered by the dealer.

(7) If the dealer/banker's face-up card is an ace, the licensee, by house rule, may allow the player banking the game to offer an "insurance" bet against losing to the dealer/banker's possible "natural." The dealer/banker, before looking at his down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half his/her present wager on his/her own hand. When this bet is made, the dealer/banker looks at his/her down card. If it is a 10 count, the dealer/banker turns it face up and announces a "natural." The insurance bettor is paid off at a

rate of 2 to 1 and, unless they have a "natural," lose their original wager. If the dealer/banker's down card is not a 10 count card, the player loses his/her insurance bet and continues playing on their original wager.

(8) If the dealer/banker does not have a "natural," play continues with the player on the dealer/banker's immediate left. The dealer/banker deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If the player wants more cards, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer/banker collects the bet. The dealer/banker does the same with each remaining player. Any player who stands must wait while the dealer/banker draws his or her cards. If the dealer/banker goes bust, each standing player is paid the amount of their wager. If the dealer/banker "stands," the down card is turned up and players whose totals are higher than the dealer/banker's are paid. The dealer/banker collects from any player whose total is less. Action is always to the left of the dealer/banker. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer/banker from losing wagers the dealer/banker collects.

(9) Should the dealer/banker not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer/banker shall announce the amount of the bank and shuffle the cards. The same shall apply if the dealer/banker has no money in the bank. The dealer/banker may, if allowed by house rule, add to their bank in between hands.

(10) Upon completion of the shuffle, the player to the right of the dealer/banker shall cut the cards. After the cards have been placed into the shoe the dealer/banker shall insert a blank card approximately three quarters of the way through the deck(s). A dealer/banker may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer/banker may continue dealing that hand, but will not start a new hand. The player on the dealer/banker's immediate left shall be offered the opportunity to be the next dealer/banker. The discards may only be reshuffled to complete the last hand.

(11) Once wagers are placed and covered on the bet line, no player, including the dealer/banker, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(12) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(13) No player may "buy" the bank. The deal must pass around the table to the left and no person can authorize another person to deal for him or her. No player may be the banker for more than one consecutive shoe before passing the bank. A new player entering the game may not participate as the dealer/banker until at least two other players have dealt. If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer/banker. A dealer/banker may, after completing

one full hand, pass the deal and be able to participate in the next hand.

(14) The dealer/banker must stand on seventeen or above and must take hits on sixteen or below. If a dealer/banker has an ace, it shall be counted as eleven if it brings his or her total to seventeen or more (but not over twenty-one). Provided, That the licensee, by house rule, may allow play of a "soft seventeen," which occurs when the dealer/banker's first two cards are an ace valued at eleven and a six. If the licensee elects to play a soft seventeen, house rules must specify that the dealer/banker must hit a soft seventeen, and must stand on a hard seventeen and any eighteen or above. House blackjack rules must be posted in plain view to the players and the house must ensure they are consistently followed.

(15) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(16) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. If the dealer/banker does not have enough in their bank to cover the doubled bet, the dealer/banker must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer/banker has no bank then the player may divide their wager in any manner between the two hands, unless the player's original bet was a minimum allowed in that game then they may not split their pair. Additional splits shall be determined by house rule.

(17) The dealer/banker will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

**AMENDATORY SECTION** (Amending Order 23, filed 9/23/74)

**WAC 230-40-130 Wagers to be made with chips only.** All wagers and fees to play made in connection with a card game shall be made with chips furnished by the ~~((licensed premises. No money, nor other thing of value, shall be used directly in the game itself))~~ licensee: Provided, That house-banked card games may use coins with a value of fifty cents or twenty-five cents: Provided further, That coins with a value of less than twenty-five cents may be used for pai gow poker games.

**AMENDATORY SECTION** (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-40-200 ((Participants)) Players to compete on equal terms—Deal to rotate among players.** ~~((Partici- pants))~~ Players in card games shall compete on equal terms

with all other ~~((participants))~~ players in the game, and solely as a ~~((participant))~~ player therein.

The deal in any series of nonhouse-banked card games shall be passed from player to player, unless the table incorporates a house dealer as per house rule. No player who deals a game shall deal another game until each other player at the table has dealt a game in his turn: Provided, That any player may voluntarily waive his right to deal any particular game.

~~((Licensees shall take all necessary measures to insure that card games played upon their premises are played in this manner.))~~

**AMENDATORY SECTION** (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-40-225 House dealer allowed in certain games.** ~~((Notwithstanding the provisions of WAC 230-40-200,))~~ Any licensee may furnish a dealer ((or "mucker")) in any ((Washington blackjack, pai or poker)) game played on the licensed premises. Dealers shall have no financial interest, directly or indirectly, in the outcome of such game and shall not otherwise participate or play in the game: Provided, That a licensee shall be required to have a house dealer for all house-banked card games, card games operated with a player-supported jackpot, or card games authorized to assess fees for each hand played or fees based on amounts wagered.

**AMENDATORY SECTION** (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-40-400 Hours ~~((limited))~~ for card games— Procedures for changing hours.** The hours during which card games may be played in licensed public card rooms shall be limited as follows:

(1) Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.: Provided, That the director may allow closing hours to be adjusted beyond 2:00 a.m. as long as the following conditions ~~((remain in effect))~~ are met:

(a) ~~((The local law enforcement agency with jurisdiction concurs;~~

~~(b) Other state agencies involved in regulation of the business do not object; and))~~ The director shall consult with the local law enforcement agency which has jurisdiction;

(b) The director shall consult with other state agencies involved in regulation of the business;

(c) A licensee must observe a four-hour period of closure at the end of each business day before beginning the next period of operation.

~~((2))~~ (d) The food and/or drink business being stimulated shall be open to the public for business any time card games are conducted((: Provided, That entry to the business by new customers may be limited if access to the premises is open to the commission, law enforcement, or other state or local regulatory agencies, and service of food and nonalcoholic beverages is available for customers remaining on the premises after 2:00 a.m.));

~~((3))~~ (e) At all times during the hours of operation of a Class E, F or house-banked card room, ((the operator or)) a

licensed card room employee must be on duty and in the licensed card room area; and

(f) The licensee complies with any other terms and conditions imposed by the director.

(2) The director may deny the request for extended hours or revoke hours already approved if the local law enforcement agency or a state agency objects or if the director determines that the licensee has violated any provisions of chapter 9.46 RCW, any other commission rule, or any of the terms set forth in subsection (1) of this section. All objections to changing a licensee's operating hours or requests to revoke an approved operating schedule must be submitted in writing.

(3) The commission shall afford a licensee an opportunity for a brief adjudicative proceeding prior to denying or revoking the licensee's authorization for extended card room hours. The brief adjudicative proceeding shall be heard by an administrative law judge, under the provisions set forth in WAC 230-50-010(6), and RCW 34.05.482 through 34.05-494.

AMENDATORY SECTION (Amending WSR 97-14-013, filed 6/20/97, effective 7/21/97)

**WAC 230-50-010 Adjudicative proceedings—Hearings.** (1) ~~((adjudicated))~~ Adjudicative proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an ~~((adjudicated))~~ adjudicative proceeding prior to denying such application, and shall afford a licensee the opportunity for an ~~((adjudicated))~~ adjudicative proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull-tab dispensing device under WAC 230-30-095 an opportunity for an ~~((adjudicated))~~ adjudicative proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any ~~((adjudicated))~~ adjudicative proceeding unless an application for an ~~((adjudicated))~~ adjudicative proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an ~~((adjudicated))~~ adjudicative proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an ~~((adjudicated))~~ adjudicative proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an ~~((adjudicated))~~ adjudicative proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party

not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an ~~((adjudicated))~~ adjudicative proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);

(d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);

(e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed;

(f) Denial of an application to operate at a higher bingo license class when the licensee has been restricted by WAC 230-20-062;

(g) Petitions for a variance to bingo net return requirements authorized by WAC 230-20-060; ~~((or))~~

(h) Denial or revocation of extended card room hours pursuant to WAC 230-40-400;

(i) Denial of request for Phase II pursuant to WAC 230-40-810;

(j) Repeal of an approved card game pursuant to WAC 230-40-010; or

(k) Where the parties have stipulated to the use of brief adjudicative proceedings.

#### NEW SECTION

**WAC 230-40-600 Authorization procedures for player-supported jackpots.** Player-supported jackpots (PSJs) shall be tightly controlled and shall not be operated prior to approval by the director or the director's designee. The following procedures apply to approval of PSJs:

(1) The request shall be in writing and include at least the following:

- (a) A detailed description of the game;
- (b) All internal control procedures associated with controlling the game and accounting for fees and prizes;
- (c) All rules of play; and
- (d) The name of the prize fund custodian.

(2) Any changes to the approved game or applicable internal controls must be forwarded to the commission staff for review and approval prior to implementation.

#### NEW SECTION

**WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval.** A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ for nonhouse-banked card games. Any PSJ must be

approved in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

(1) Funding of a PSJ: A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from the general business account into the PSJ account to start the prize fund. Recouping of start-up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start-up funds shall not exceed five thousand dollars per PSJ.

(2) A licensee may assess a portion of player's wagers for a jackpot prize. Such amount shall not exceed one dollar per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

(3) The licensee acts only as the custodian of the PSJ funds and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes. PSJ funds shall only be used for awarding cash prizes based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC 230-12-072.

(5) Prize amounts paid in cash shall not exceed five hundred dollars. Prize amounts not awarded in cash shall be paid by check, the type which provides a duplicate copy, which shall not be cashed on the licensee's premises. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

(a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.

(b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:

- (i) Full printed name;
- (ii) Date of birth;
- (iii) Street address;
- (iv) Type of identification reviewed;
- (v) Amount of the prize awarded;
- (vi) Description of the winning hand;
- (vii) Time and date awarded; and
- (viii) The supervisor's, dealer's and winner's initials.

(c) Upon awarding a prize of five hundred dollars or more, the dealer shall fan the winning hand in view of the surveillance camera. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. If playing in a game with a PSJ, owners and card room employees must turn their cards face up at the end of each game so that the

cards may be observed by other players at the table and surveillance. Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

(7) All card games offering a PSJ must utilize a house dealer.

(8) Security requirements: Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC 230-40-825.

(9) In the event that a licensee ceases to operate a card room, fails to maintain a valid card room license, or discontinues a PSJ, the balance (less any nonrecouped seed money) of all PSJ accounts will be forwarded to the Washington State Council on Problem Gambling: Provided, That a licensee may seek approval from the director or the director's designee to revise their prize contests in order to distribute all accumulated prize funds.

(10) House rules to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

(11) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(12) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(13) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

#### NEW SECTION

**WAC 230-40-615 Nonhouse-banked card games—Administrative and accounting control structure—Organization.** Licensees conducting activities that require a Class F license shall assure that such activities are closely controlled. Class F licensees shall comply with the following additional requirements:

(1) Establish a system of internal administrative and accounting controls that requires, at a minimum, the following:

- (a) Trained personnel;
- (b) Segregation of duties for all employees involved in the operation;
- (c) Fee collection and funds safeguarding procedures;

- (d) Playing card and chip inventory; and
- (e) Security and supervision requirements.

(2) The licensee shall have adequate licensed employees to assure commission requirements are met. At a minimum, the following employees are required:

(a) At least one supervisor for every five tables shall be required: Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff;

(b) A licensee which utilizes two separate areas of a particular gaming establishment shall require at least one supervisor in each area; and

(c) The licensee must have at least two licensed card room employees in the card room at all times player-supported jackpot schemes are in play and/or alternative methods of collection are being utilized. One such employee must be a floor supervisor.

#### NEW SECTION

**WAC 230-40-800 Operating rules for house-banked card games.** Licensees that operate house-banked card games shall establish rules and procedures governing each specific house-banked card game played at their premises. The following restrictions and procedures apply:

(1) House-banked card games shall not be operated prior to approval as set forth in WAC 230-40-010;

(2) All house-banked card games shall be dealt from a dealing shoe or an approved shuffling device;

(3) The licensee shall submit all rules governing the game to commission staff for approval. All requests shall be in writing and include at least the following:

(a) Rules of play, including those specified by the manufacturer or supplier;

(b) Any administrative or accounting controls applicable to specific games;

(c) All specifications provided by the equipment manufacturer or supplier applicable to gaming equipment utilized in the game;

(d) Physical characteristics of the following:

(i) Cards (including procedures for receipt and storage);

(ii) Gaming chips used to play the game;

(iii) All gaming tables and layouts;

(iv) Dealing shoes;

(v) Card shuffling devices;

(vi) Card peeking devices;

(vii) Bill changer devices; and

(viii) Such other equipment as may be required for use in otherwise authorized games;

(4) Rules for each authorized game, shall include at least the following:

(a) Procedures of play;

(b) Minimum and maximum permissible wagers;

(c) Shuffling, cutting, and dealing techniques, as applicable;

(d) Dealer take and pay procedures;

(e) Payout odds on each form of wager, including any factors affecting payments to the player, such as maximum player or aggregate prize restrictions; and

(f) Procedures to be followed on occurrence of irregularities, including examples of irregularities applicable to each game;

(5) A summary of playing procedures and rules of play for each game shall be visibly displayed in the gaming area. If the procedures or restrictions are game specific, they shall be displayed at each gaming table at which the game is played;

(6) Full details on all promotions, schemes or other means used to promote card games operated in card rooms which offer house-banked card games must be submitted to commission staff and be approved prior to implementing.

#### NEW SECTION

**WAC 230-40-803 Phase II wager limits—Restrictions—Procedures.** A house-banked card room licensee shall not increase wager limits to Phase II levels prior to demonstrating that it is capable of operating at higher wager limits and receiving commission approval. The following procedures and restrictions apply to the Phase II approval process:

##### **Restrictions.**

(1) Prior to requesting approval for Phase II limits a licensee shall:

(a) Operate for a minimum of six months;

(b) Have demonstrated compliance with commission requirements. A licensee shall be deemed to have demonstrated compliance when:

(i) Administrative actions are not pending;

(ii) Administrative actions have not occurred for at least the last six months; and

(iii) It is not currently under investigation by the commission or other law enforcement agency; and

(c) Have paid all gambling taxes due to counties, cities, or towns. For purposes of this section, gambling taxes include those taxes owed as of the most recent reporting period (month or quarter), as provided in the jurisdiction's ordinance, plus any interest and/or penalties that may be due.

##### **Review procedures.**

(2) Requests for an increase in wagering limits shall be processed in the following manner:

(a) The licensee shall submit a written request for review, including a deposit of five thousand dollars to pay for the review;

(b) Commission staff shall review the licensee's entire house-banked card game operation. Such review shall include an evaluation of:

(i) The licensee's written internal accounting and administrative controls to ensure they are not materially different from those submitted and approved and that the licensee is following such in every material aspect;

(ii) The licensee is operating house-banked card games in accordance with applicable WAC rules; and

(c) A summary of commission staff's findings and a recommendation shall be presented to the commission at a regular public meeting.

**Approval process.**

(3) Upon the completion of commission staff's review, the director may authorize a licensee to increase Phase II wagering limits for up to five tables pending commission approval at the next scheduled meeting;

(4) The director may decline to forward a licensee's request for Phase II wagering limits to the commission if:

(a) The licensee has failed to comply with any of the restrictions set forth in subsection (1) of this section; or

(b) The commission staff's review reveals the licensee has failed to follow its approved internal control procedures and such failures are material or, because of repetition, would be material; or

(c) Material violations of WAC rules are noted; and

(d) Actions to correct any deficiencies have not been completed and commission staff afforded adequate time to conduct a follow-up review.

(5) If the director fails to forward a licensee's request within sixty days following completion of commission staff's review and has not commenced administrative actions, a licensee shall be afforded an opportunity to a commission review of the request. The commission may:

(a) Grant the licensee Phase II wager limit approval;

(b) Grant the licensee conditional Phase II approval; or

(c) Refer the request back to commission staff for further investigation.

**Sale of a business operating under Phase II.**

(6) When a house-banked card room authorized to operate at Phase II levels is sold or otherwise transferred, the director may authorize the new licensee to remain at Phase II levels if the new licensee demonstrates that the gambling operation and internal controls will remain substantially unchanged. Staff may review the operation to determine compliance at the director's request. The licensee shall be responsible for all costs of the review.

**NEW SECTION**

**WAC 230-40-805 House-banked progressive jackpot prizes—Procedures—Restrictions.** Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

(2) A licensee shall not reduce the amount of a progressive jackpot prize, except as authorized by this section, including reserve or secondary jackpots, that have been accrued and displayed to players. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) Prizes may be paid when a player wins the jackpot or a portion thereof. In such instances, the jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced to recover a seed amount as long as it is properly documented in the records;

(3) House-banked progressive jackpot prizes, including any reserve or secondary jackpots, are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

(a) The director provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan; and

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

(a) The removal and reasons must be approved in writing by commission staff; and

(b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and

(c) Players are notified of the disruption and the estimated date of continuance.

**NEW SECTION**

**WAC 230-40-810 House-banked card games—Odds based wagers—Prizes—Restrictions—Procedures.** A licensee may establish pay out limits for odds based wagers made at house-banked card games. An "odds based wager" means a wager for which the player is paid an increased amount over and above the amount wagered if a predetermined pattern or combination of cards is achieved. For example, a royal flush, four aces, a pair, etc. Limitations on

the payout for odds based wagers are allowed only if the following restrictions and procedures are met:

(1) All payout limits, procedures for computing limits, and methods of disclosing limits to patrons shall be preapproved by the director or the director's designee;

(2) Any limits applied to individual players' winnings shall not be less than the higher of the following calculations:

(a) The maximum wager allowed for the game, times the highest odds offered up to fifty-to-one (50 to 1). For example: The maximum wager is one hundred dollars (\$100) and odds are fifty-to-one (50 to 1); then the per player minimum is five thousand dollars ( $\$100 \times 50 = \$5,000$ ); or

(b) The minimum required wager for the game, as determined by house rule, times the highest odds offered for any wager in the game. For purposes of this section the "minimum required wager" shall be the total amount a player must risk in order to win. For example: The minimum allowed wager is ten dollars (\$10) and the maximum odds are one thousand-to-one (1,000 to 1); then the per player minimum is ten thousand dollars ( $\$10 \times 1,000 = \$10,000$ );

(3) Any limits applied in aggregate to payments to all players in a game for winning wagers shall not be less than two times the individual player limit, as computed in subsection (2) of this section;

(4) The licensee shall clearly disclose any limits to per player or aggregate payouts on the table layout: Provided, That the director may approve alternative methods of disclosure; and

(5) The licensee shall clearly disclose all procedures for computing any per player or aggregate payouts. This explanation must be available to players in the form of a brochure or other printed media.

#### NEW SECTION

**WAC 230-40-815 House-banked card games—Administrative and accounting control structure—Organization.** Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio taping of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video taping of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities; and

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only



seven tables are in operation and the layout was preapproved by commission staff;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

(i) Implementing and monitoring of accounting controls;

(ii) The preparation, control, and storage of records and data required;

(iii) The control of unused forms inventory along with reconciliation of forms used; and

(iv) The control and supervision of the cashier's cage.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

#### NEW SECTION

**WAC 230-40-820 House-banked card games—Internal control system evaluation—Required procedures.** Each licensee operating house-banked card games shall provide an operating environment that will assure that commission rules are adhered to and results of operations can be confirmed by commission staff. In order to assure compliance with this requirement, a complete evaluation of the licensee's system of internal administrative and accounting control procedures shall be completed annually. This evaluation shall be independent of all normal regulatory functions performed by commission staff. A report documenting the results of the evaluation, including any material discrepancies noted and any corrective actions taken, shall be provided to the licensee. The following restrictions and procedures apply to this process:

(1) The evaluation shall be completed by commission staff: Provided, That if commission staff are not available, the licensee, with prior approval, may utilize any of the following:

(a) A certified public accountant (CPA) that is independent in regard to the licensee and which is licensed to perform such engagements by the state of Washington. Prior to entering into a contract for such services, a CPA shall demonstrate adequate knowledge and experience in gambling, and commission rules, procedures and standards. The CPA may be engaged as follows: A copy of an engagement letter from the licensed CPA shall be submitted to the commission at least thirty days prior to offering services. The letter shall include an acknowledgement that the evaluation is being conducted

under regulatory requirements of the commission and that a copy of the report will be forwarded to the commission; or

(b) A certified public accountant (CPA) which is licensed to perform such engagements by the state of Washington and is performing a review or audit of the licensee's financial statements. Licensees wishing to use this method of compliance shall receive written approval from the director or the director's designee. In addition, the CPA's engagement letter shall acknowledge:

(i) The evaluation of internal controls is being conducted under regulatory requirements of the commission;

(ii) The service includes a written report on the adequacy of internal administrative and accounting control procedures utilized in the gaming operation and the degree to which the licensee complied with such; and

(iii) The commission is granted access to the accountant's work papers; or

(c) A licensed gambling service supplier that:

(i) Is independent in regard to the licensee being evaluated;

(ii) Demonstrates that all persons involved in performing the evaluation have adequate knowledge and experience in gambling, and commission rules, procedures and standards; and

(iii) Assures all work related to the evaluation of internal controls and the report to the commission is performed by or under the supervision of a licensed CPA meeting the requirements noted in (a) of this subsection;

(2) The evaluation, if conducted by other than commission staff, shall be completed annually, with the cycle beginning one year from the date of initial license approval: Provided, That an evaluation and report may not be required during any period that the licensee has satisfactorily completed a Phase II review, as set forth in WAC 230-40-803, if the review was completed within six months of the scheduled review period: Provided further, That the director may extend the date for evaluation completion if a request is made by the licensee;

(3) If a CPA under contract with a licensee or a licensed service supplier completes the evaluation, the report shall be submitted to the licensee and commission no later than thirty days following completion of the evaluation;

(4) The licensee shall take corrective actions on all deficiencies noted and a report of corrective actions forwarded to the commission no later than thirty days after notification: Provided, That the director may extend the time for correction if the licensee can demonstrate extenuating circumstances and that alternative controls are in place: Provided further, That the director may issue administrative charges on violations that are deemed serious in nature;

(5) The licensee shall be responsible for all costs of internal control evaluations as follows:

(a) The commission shall be reimbursed for evaluations conducted by commission staff. Failure to pay within thirty days of the billing for evaluations conducted by commission staff shall be grounds for suspension of the licensee's card room license until such fees are paid; and

(b) Failure to pay approved CPAs or gambling service suppliers for evaluations prior to them performing any additional reviews, audits, or internal control evaluations for the

licensee shall be prima facie evidence of a lack of independence between the parties;

(6) Licensees meeting the following criteria shall have a complete internal control evaluation performed at least once every two years beginning two years from the date of initial license approval:

(a) The licensee waived the opportunity for Phase II status; and

(b) Card room gross receipts do not exceed fifty thousand dollars per month, annualized over a twelve-month period. The evaluation of gross receipts will be based upon no less than six months operating activity.

#### NEW SECTION

**WAC 230-40-823 House-banked card games—Financial audits required.** Each licensee operating house-banked card games with gross receipts in excess of five million dollars per year shall have their financial statements examined by a licensed, independent certified public accountant (CPA) for each fiscal year to evaluate the fairness of the presentation of the statements in conformity with generally accepted accounting principles. This examination shall be conducted in accordance with generally accepted auditing standards. A copy of the report and financial statements shall be submitted to the commission no later than one hundred twenty days after conclusion of the fiscal year. The director or the director's designee may extend the date for audit completion if a request is made by the licensee.

#### NEW SECTION

**WAC 230-40-825 Closed circuit television system requirements and procedures.** All activities related to the operation of card games shall be closely monitored. Critical activities related to house-banked card games, player-supported jackpots and assessment of fees based on amounts wagered (rake method) shall be monitored by use of a closed circuit television system and a video recording. The following restrictions and operating procedures apply when a closed circuit television system is required.

(1) Each licensee shall install and maintain a closed circuit television system that meets at least the specifications set forth below:

(a) Light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities where necessary to effectively and clandestinely monitor in detail and from various vantage points, including the following:

(i) The gaming conducted at each gaming table in the facility;

(ii) The activities in the pits;

(iii) Each table game area, with sufficient clarity to identify patrons and dealers;

(iv) Each table game surface, with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values and game outcome: Provided, That a nonhouse-banked card game not utilizing PSJs will not be required to have coverage of cards;

(v) The operations conducted at and in the cashier's cage: Provided, That for Class F licensees, camera coverage shall

not be required of the cashier's cage unless the count is conducted at that location;

(vi) Entrance to the cashier's cage;

(vii) The count processes conducted in the count rooms, which processes shall be in conformity with commission rules;

(viii) The movement of cash, gaming chips, and drop boxes in the establishment;

(ix) The entrances and exits to the card room and the count rooms; and

(x) Such other areas as the commission designates.

(b) All video cameras must be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees.

(c) Where a PTZ camera is used to observe card tables and gambling related activities, the camera must be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view.

(d) Video recording units, with time and date insertion capabilities, for recording what is being viewed by any camera of the system. Recording and playback of video signals shall be at a rate of not less than twenty frames per second and shall not be recorded in a manner that will not allow playback on a standard consumer grade video cassette recorder. If multiple time and date generators are used, they shall be synchronized to the same time and date. The displayed date and time shall not significantly obstruct the recorded view. The following locations or activities shall be video taped:

(i) All gaming stations in operation or in which drop boxes are stored, to include video recording of all items noted in (a)(i) through (viii) of this subsection;

(ii) All entries to the count room;

(iii) The entire count process, including audio recording (audio recording only required for house-banked card room licensees);

(iv) Any unusual or suspicious activities;

(v) Movement of drop boxes between tables and the count room; and

(vi) Any other activity or location designated by commission staff.

(2) Lighting to provide sufficient clarity shall be present in all areas, including gaming tables and pits, where closed circuit camera coverage is required.

(3) Each video camera required by these rules shall be capable of having its picture displayed on a video monitor and recorded.

(4) The surveillance system must include a sufficient number of monitors to simultaneously display multiple card tables, the cashier's cage, count room activities, and views of any dedicated cameras.

(5) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access, and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That

this restriction does not apply to owners or approved supervisory or management personnel. Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(b) A house-banked card game licensee shall ensure that a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, at all times the card room is open to conduct gaming and during the count process as stated in WAC 230-40-885(4): Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks. All surveillance employees shall have a demonstrated knowledge of the following:

- (i) Operating surveillance systems;
- (ii) Rules of play and procedures for the games being played; and
- (iii) The overall procedures relating to the duties of all employees of a house-banked card room being monitored (dealers, shift managers, floor supervisors, cage personnel, and count team).

(c) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

(d) The licensee shall maintain a record of all surveillance activities in the surveillance room. The surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (i) Date and time of surveillance;
  - (ii) Person initiating surveillance;
  - (iii) Reason for surveillance;
  - (iv) Time of termination of surveillance;
  - (v) Summary of the results of the surveillance; and
  - (vi) A record of any equipment or camera malfunctions.
- (e) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. A surveillance room sign-in log shall be available for inspection at any time by commission staff or local law enforcement.

(7) Video and audio tapes shall be identified to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven days: Provided, That the seven-day retention period may be measured on a weekly and per shift basis as long as tapes are uniformly labeled by day of the week and shift;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot-payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the times noted in this section by notifying the licensee.

#### NEW SECTION

**WAC 230-40-830 Cashier's cage—Requirements.** All cash, cash equivalents, and chips related to the operation of card games shall be closely controlled and records main-

tained documenting receipts and disbursements. Licensees shall maintain a cashier's function whose responsibility shall be to secure and account for all chips and monies in the card room portion of the premises. At a minimum, the following restrictions and procedures apply:

(1) There shall be on or immediately adjacent to the gaming floor a physical structure known as the cashier's cage (cage) to house the cashiers and to serve as the central location for, at a minimum, the following:

(a) The custody of the cage inventory comprising currency, coin, patron checks, gaming chips, forms, documents and records normally associated with the operation of a cage;

(b) The approval of patron checks for the purpose of gaming;

(c) The receipt and distribution of gaming chips from the gaming table and the redemption of gaming chips from patrons. The purchase of gaming chips by patrons shall only occur at the gaming table; and

(d) Such other functions normally associated with the operation of a cage.

(2) The cage shall be designed, constructed and operated to provide maximum security and accountability for funds including, at a minimum, the following:

(a) An enclosed structure except for openings through which items such as gaming chips, checks, cash, records, and documents can be passed to service the public and gaming tables;

(b) Manually triggered silent alarm systems connected directly to the surveillance rooms of the closed circuit television system or an alarm monitoring agency;

(c) Access shall be through a locked door, which shall have closed circuit television coverage which is monitored by the surveillance department.

(3) Entry to the cage shall be limited to authorized personnel. The gaming operation department shall place on file with the accounting department the names of all persons authorized to enter the cage, those who possess the combination or the keys or who control the mechanism to open the locks securing the entrance to the cage, and those who possess the ability to operate the alarm systems.

(4) A log shall be maintained documenting all persons entering the cashier's cage. The log must contain the person's name, title, time entering and exiting, and date of entry.

(5) Licensees not offering house-banked card games shall not be required to meet the above requirements: Provided, That licensees shall maintain a system for securing and properly accounting for all gaming chips and monies.

#### NEW SECTION

**WAC 230-40-833 Cashier's bank and minimum bankroll.** All card room licensees with house-banked card games or player-supported jackpots shall maintain sufficient funds to meet all cash out and prize payout requirements.

(1) All assets for which the cashiers are responsible shall be maintained on an imprest basis. This requires funds to be replenished on a regular basis by exactly the amount of expenditures from the cage less the amount of funds added. Expenditures shall be reviewed by a supervisor of the accounting department before replenishment: Provided, That

licensees demonstrating the ability to control cage activity can request commission staff approval to operate on a float basis as an alternative procedure.

(2) The licensee shall have sufficient cash on hand to redeem all chips and payout all prizes: Provided, That payments of prizes may be paid by check as long as sufficient funds are available on deposit in accordance with WAC 230-12-072 and 230-12-073.

(3) Failure to maintain funds to cash in chips, pay prizes, or redeem gaming related checks shall be prima facie evidence of fraud.

#### NEW SECTION

**WAC 230-40-835 Accounting controls for cashier's cage.** Licensees required to maintain a cashier's cage shall adhere to the following controls to ensure proper accountability for funds. The following restrictions and procedures apply to cashiers and the cage:

(1) Cashiers shall be responsible for at least the following functions:

(a) Receive cash, checks, and gaming chips from patrons for check consolidations, total or partial redemptions or substitutions;

(b) Receive gaming chips from patrons in exchange for cash;

(c) Receive traveler's checks and other cash equivalents (including money orders, certified checks, and cashier's checks) from patrons in exchange for currency or coin;

(d) Receive documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashier's cage;

(e) Receive from security department personnel, chips and coins removed from gaming tables in exchange for the issuance of a credit;

(f) Receive from security department members, requests for fills in exchange for the issuance of a fill slip and the disbursement of gaming chips;

(g) Receive cash or chips from the count room;

(h) At the end of each shift, the cashiers assigned to the outgoing shift shall count each cage inventory item and record on a cashier's count sheet the face value of each inventory item and the total of the opening and closing inventories. The total closing inventory shall be reconciled with the total opening inventory;

(i) Prepare the overall cage reconciliation and accounting records; and

(j) Perform such other functions as necessary to ensure proper accountability of funds and chips consistent with these standards.

(2) Signatures attesting to accuracy shall, at a minimum, be contained on the following:

(a) Cashier's count sheet; and

(b) Cage inventory countsheet, which includes the signatures of the cashiers assigned to the incoming and outgoing shifts.

(3) At the conclusion of the daily gaming activity, copies of the cashier's count sheet, cage inventory count sheet and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories,

and agreement of amounts thereon to other forms, records and documentation for recording of transactions.

#### NEW SECTION

**WAC 230-40-840 Drop boxes—Requirements.** Licensees required to utilize drop boxes shall ensure they are constructed and controlled in a manner to provide security of contents. All card rooms operating house-banked card games or collecting fees utilizing the drop box as a collection method shall meet the following requirements and procedures:

(1) Each gaming table shall have attached to it a metal container known as a "drop box" into which all cash, duplicate fill slips and credit slips, request for fills, request for credits, and table inventory forms shall be deposited.

(2) Each drop box shall have the following:

(a) A lock securing the contents. The key to this lock shall be maintained and controlled by the accounting department;

(b) A separate lock securing the drop box to the gaming table. This lock shall be keyed differently from the lock securing the contents of the drop box. The key utilized to unlock this lock shall be maintained and controlled by the security department;

(c) An opening through which currency, coins, chips, forms, records and documents can be inserted into the drop box;

(d) Permanently imprinted or impressed thereon and clearly visible, a number corresponding to a permanent number on the gaming table to which it is attached and a marking to indicate the game. The shift shall also be included if drop boxes are removed from tables more than once during an operating day: Provided, That emergency drop boxes may be maintained without such number or marking, if the word "emergency" is permanently imprinted or impressed thereon, and when put into use, are temporarily marked with the number of the gaming table and identification of the game and shift.

(3) All drop boxes removed from the gaming tables shall be transported directly to the count room and secured by one security department member and one employee of the gaming operation department: Provided, That licensees not required to maintain a count room shall transport drop boxes directly to the count area using the supervisor or the supervisor's designee for the transport: Provided further, That a licensee may utilize the count team members to pull and transport the drop boxes to the count table for the count process, if conducted under the supervision of security when the gaming operation is closed.

(4) All drop boxes not attached to a gaming table shall be stored in the count room in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by two separately keyed locks. The key to one lock shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by the gaming operation department.

(5) Drop boxes, when not in use during a shift, may be stored on the gaming tables if licensed security personnel are present in the gaming area at all times drop boxes are stored

on the gaming tables and the entire area is covered by taped surveillance. If adequate security is not provided during this time, the drop boxes shall be stored as required in subsection (4) of this section.

#### NEW SECTION

**WAC 230-40-845 Procedures for exchange of checks submitted by gaming patrons at cashier's cage.** In addition to the requirements set forth in WAC 230-12-053, checks submitted to the cashier's cage are subject to the following restrictions and procedures:

(1) All checks sought to be exchanged at the cashiers' cage shall be presented directly to the cashier who shall:

(a) Restrictively endorse the check "for deposit only" to the licensee's bank account;

(b) Initial the check;

(c) Date and time stamp the check;

(d) Verify that the patron is not listed on the returned check log;

(e) Immediately exchange the check for currency and coin in an amount equal to the amount for which the check is drawn less any applicable fees; and

(f) Forward all patron checks to the main bank cashier.

(2) Prior to acceptance of a traveler's check from a patron, the cashier shall:

(a) Require the patron to countersign the traveler's check in his or her presence;

(b) Compare the countersignature with the original signature on the traveler's check;

(c) Examine the traveler's check for any other signs of tampering, forgery or alteration; and

(d) Perform any other procedures that the issuer of the traveler's check requires in order to indemnify the acceptor against loss.

(3) Prior to the acceptance of any check from a patron, the cashier shall examine that patron's identification to confirm the patron's identity.

(4) All checks received shall be deposited in the licensee's bank account within two banking days after receipt: Provided, That checks deposited within two days to an armored car service shall meet this requirement.

(5) All checks dishonored by a bank (returned checks) shall be returned directly to, and controlled by, accounting department employees: Provided, That if a collection agency is used which maintains dishonored checks, a photocopy of the check shall be sufficient.

(6) Records of all returned checks shall be maintained by accounting department employees and shall be available to cashiers. Such records shall include, at a minimum, the following:

(a) The date of the check;

(b) The name of the drawer of the check;

(c) The amount of the check;

(d) The date(s) the check was dishonored; and

(e) The date(s) and amount(s) of any collections received on the check after being returned by a bank.

(7) If a check is dishonored, the name of the person who submitted the check shall be kept in a log and available to the cashier. Such person shall be prohibited from submitting

additional checks until the amount owed is paid in full: Provided, That a check dishonored by a bank may be immediately redeposited if there is sufficient reason to believe the check will be honored the second time.

#### NEW SECTION

**WAC 230-40-850 Procedures for purchasing gaming chips.** The purchase of gaming chips by patrons shall be conducted in a manner to ensure proper accountability of chips and cash. The following restrictions and procedures apply:

(1) Gaming chips shall only be purchased at the gaming table;

(2) The cash shall be spread on the top of the gaming table by the dealer in a manner that allows the patron, floor supervisor, and surveillance a full view of the transaction;

(3) The amount of cash shall be announced by the dealer accepting it in a tone of voice to be heard by the patron who presented the cash and the floor supervisor specifically assigned to the gaming table. All cash changes of one hundred dollars or more shall be verified by the supervisor;

(4) Prior to giving gaming chips to the patron, the dealer shall prove each denomination of chips in a manner that discloses the number of chips to the patron, floor supervisor, and surveillance. Procedures for proving chips shall be included in the licensee's approved system of internal controls; and

(5) Immediately after gaming chips, equivalent to the cash amount paid by the patron, have been given to the patron, the cash shall be taken from the top of the gaming table and placed by the dealer into the drop box attached to the gaming table.

#### NEW SECTION

**WAC 230-40-855 Acceptance of tips from patrons for house-banked activities.** Licensees may allow selected employees to accept tips from patrons. If allowed, tips shall be controlled in a manner to ensure they are only received by authorized persons, properly accounted for, and maintained separate from all other gaming funds. The following restrictions and procedures apply:

(1) No employee directly concerned with management, supervision, accounting, security, or surveillance shall solicit, accept or otherwise share any tip originating from any player or patron: Provided, That cage cashiers shall be allowed to accept tips.

(2) Each licensee shall establish procedures necessary to ensure that the acceptance of tips by dealers is observed by the floor supervisor and surveillance. Procedures shall include an overt display of tips received, such as tapping the table with the tip prior to placing it in the tip container.

(3) Tips to the cashier shall be deposited directly into the tip container by the patron. Cashier tip containers shall be located outside the cage enclosure.

(4) Tips received shall be retained by employees or pooled among employees in such manner as determined by the licensee.

(5) Licensees shall establish and implement procedures for the proper accounting of tips received by authorized card room employees. The procedures shall be fully documented

in the licensee's internal controls and shall describe in detail any methods used to allocate tips. Accounting and recording of tip income shall be in sufficient detail to meet federal income tax requirements.

#### NEW SECTION

**WAC 230-40-860 Table inventories and procedures for opening tables for house-banked card games.** Procedures shall be established to ensure proper accountability of gaming chips and coins stored at gaming tables and for beginning play at such tables. The following restrictions and procedures apply:

(1) Whenever a gaming table is opened for gaming, operations shall commence with an amount of gaming chips and coins to be known as the "table inventory" and the licensee shall not cause or permit gaming chips or coins to be added to or removed from such table inventory during the gaming day except:

- (a) In exchange for cash from patrons;
- (b) In payment of winning wagers and collection of losing wagers made at such gaming table;
- (c) In exchange for gaming chips received from a patron having an equal aggregate face value; and
- (d) In conformity with procedures set forth in WAC 230-40-865 and 230-40-870.

(2) Each table inventory and the table inventory slip prepared in conformity with the procedures set forth in WAC 230-40-875 shall be stored during nongaming hours in a separate locked, clear container which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds. The information on the table inventory slip shall be visible from the outside of the container. All containers shall be stored in the cashier's cage during nongaming hours: Provided, That containers may be secured at the gaming table if under taped surveillance.

(3) The keys to table inventory containers shall be maintained and controlled by the gaming operation department in a secure place and shall at no time be made accessible to any cashier's cage personnel or to any person responsible for transporting such table inventories to or from the gaming tables.

(4) Licensees shall abide by the following procedures when opening gaming tables for play:

- (a) The locked container securing the table inventory and the table inventory slip shall be unlocked by the gaming operation supervisor assigned to such table;
- (b) A dealer assigned to the gaming table shall prove the contents of the container in the presence of the gaming operation supervisor assigned to such table and shall compare the count to the "opener," as defined in WAC 230-40-875, removed from the container. The procedures used to prove the chip and coin inventory shall be set forth in the licensee's internal controls;
- (c) Signatures attesting to the accuracy of the information on the opener shall be placed on such "opener" by the dealer assigned to the table and the gaming operation supervisor that observed the dealer count the contents of the container;

(d) Any discrepancy between the amount of gaming chips and coins counted and the amount of the gaming chips and coins recorded on the "opener," shall be immediately reported to the gaming operation manager, assistant gaming operation manager, or gaming operation shift manager in charge at such time. The manager in charge shall complete the notification of error slip, which will be verified by security and transported to accounting or the cashier's cage. Accounting will maintain a copy in the log containing the notification of error slips. The licensee shall notify commission staff within twenty-four hours of errors of two hundred dollars or more or if there is a pattern relating to regular shortages;

(e) After the count of the contents of the container and the signing of the "opener," such slip shall be immediately deposited in the drop box attached to the gaming table by the dealer.

#### NEW SECTION

**WAC 230-40-865 Procedure for distributing gaming chips and coins to house-banked gaming tables—Requests and fills.** Gaming chips and coins shall only be distributed to gaming tables with adequate security and in a manner that ensures proper control and accountability. The following restrictions and procedures apply:

(1) Each "fill slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for fills shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

- (a) Each series of fill slips received by a licensee shall be controlled and accounted for separately;
- (b) Request for fills shall be secured in such a manner that only a gaming operations supervisor has access;
- (c) Fill slips shall be secured by the cashier's cage;
- (d) These forms shall be used in sequential order and all forms accounted for; and
- (e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

(2) A "request for fill" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a "fill slip" for the distribution of chips and coins to gaming tables. The original and duplicate of the request for fill shall include the following entries:

- (a) The date, time, and shift of preparation;
- (b) The denomination of gaming chips or coins to be distributed to the gaming tables;
- (c) The total amount of each denomination of gaming chips or coins to be distributed to the gaming tables;
- (d) The game and table number to which the gaming chips or coins are to be distributed;
- (e) The signature of the gaming operation supervisor; and

(f) The signature of the security department employee that distributed the chips and coins.

(3) After preparation of the request for fill, the original of such request shall be transported directly to the cashier's cage by security.

(4) The duplicate copy of the request for fill shall be placed by the dealer or floor supervisor in public view on the gaming table to which the gaming chips or coins are to be received. Such duplicate copy shall not be removed until the chips and coins are received, at which time the request for fill and fill slip are deposited in the drop box.

(5) A fill slip shall be prepared by a cashier whenever gaming chips or coins are distributed to the gaming tables from the cashier's cage. The following procedures and requirements shall be observed with regard to fill slips:

(a) Each series of fill slips shall be in triplicate form to be kept in a locked dispenser that will permit an individual fill slip in the series and its copies to be written upon simultaneously while still located in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy of the form shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of fill slips, placing fill slips in the dispensers, and removing from the dispensers, each day, the triplicate copies remaining therein.

(6) On the original, duplicate, and triplicate copies of the fill slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins being distributed;

(b) The total amount of each denomination of gaming chips or coins being distributed;

(c) The total amount of all denominations of gaming chips or coins being distributed;

(d) The game and table number to which the gaming chips or coins are being distributed;

(e) The date and shift during which the distribution of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the fill slip shall be recorded, at a minimum, on the original and the duplicate.

(8) All gaming chips or coins distributed to the gaming tables from the cashier's cage shall be transported directly by a security department employee. This employee shall verify the request for fill to the amount of the fill slip and sign the original of the request for fill, which is maintained at the cashier's cage, before transporting the gaming chips or coins and the original and duplicate of the fill slip for signature.

(9) Signatures attesting to the accuracy of the information contained on the original and duplicate of the fill slips shall, at a minimum, be those of the following personnel at the following times:

(a) The cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the gaming table upon receipt from the cashier of gaming chips or coins;

(c) The dealer assigned to the gaming table upon receipt; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt of the gaming chips or coins at such table.

(10) Upon meeting the signature requirements, the security department employee that transported the gaming chips or coins and the original and duplicate copies of the fill slip to the table, shall observe the following:

(a) The dealer shall immediately place the duplicate fill slip and duplicate request for fill in the drop box attached to the gaming table to which the gaming chips or coins were transported; and

(b) The security department employee shall then return the original fill slip to the cashier's cage where the original fill slip and request for fill shall be maintained together and controlled by cage employees.

(11) The original and duplicate "VOID" fill slips, the original request for fill, and the original fill slip shall be forwarded as follows:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate copy of the fill slip and duplicate copy of the request for fill removed from the drop box after which the original and duplicate copy of the request for fill and the original and duplicate copy of the fill slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate fill slip and duplicate copy of the request for fill removed from the drop box and the triplicate.

(12) Transfers of gaming chips from one gaming table to another gaming table is prohibited. All transfers of gaming chips shall be to the cashier's cage.

#### NEW SECTION

**WAC 230-40-870 Procedure for removing gaming chips and coins from house-banked gaming tables—Requests and credits.** All transfers of gaming chips and coins shall be closely controlled and documented in a manner that ensures accountability. Gaming chips and coins shall only be removed from gaming tables with adequate security. The following restrictions and procedures apply:

(1) Each "credit slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for credits shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

(a) Each series of credit slips received by a licensee shall be controlled and accounted for separately;

(b) Request for credits shall be secured in such a manner that only a gaming operations supervisor has access;

(c) Credit slips shall be secured by the cashier's cage;  
 (d) These forms shall be used in sequential order and all forms accounted for; and

(e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

(2) A request for credit shall be prepared by the gaming operation supervisor to authorize the cage to prepare a credit slip for the removal of gaming chips and coins to the cashier's cage. The original and duplicate of the request for credit shall include the following entries:

- (a) The date, time and shift of preparation;
- (b) The denomination of gaming chips or coins to be removed from the gaming table;
- (c) The total amount of each denomination of gaming chips or coins to be removed from the gaming table;
- (d) The game and table number from which the gaming chips or coins are to be removed; and
- (e) The signature of the gaming operation supervisor and dealer assigned to the gaming table from which gaming chips or coins are to be removed.

(3) Immediately upon preparation of a request for credit and transfer of gaming chips or coins to a security department employee, a gaming operation supervisor shall obtain on the duplicate copy of the request for credit the signature of the security department member to whom the gaming chips and coins were transferred. The dealer shall place the duplicate copy in public view on the gaming table from which the gaming chips or coins were removed. Such request for credit shall not be removed until a credit slip is received from the cashier's cage at which time the request for credit and credit slip are deposited in the drop box.

(4) The original of the request for credit and the gaming chips or coins removed from the gaming table shall be transported directly to the cashier's cage by the security department employee.

(5) A credit slip shall be prepared by the cashier whenever gaming chips or coins are removed from the gaming tables to the cashier's cage. The following procedures and requirements shall be observed with regard to credit slips:

(a) Each series of credit slips shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of credit slips, placing credit slips in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein.

(6) On the original, duplicate and triplicate copies of a credit slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins removed from the gaming table to the cashier's cage;

(b) The total amount of each denomination of gaming chips or coins removed from the gaming table to the cashier's cage;

(c) The total amount of all denominations of gaming chips or coins removed from the gaming table to the cashier's cage;

(d) The game and table number from which the gaming chips or coins were removed;

(e) The date and shift during which the removal of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the credit slip shall be recorded, at a minimum, on the original and duplicate copy.

(8) Signatures attesting to the accuracy of the information contained on the original and the duplicate copy of a credit slip shall be, at a minimum, the following personnel at the following times:

(a) The cage cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the cashier's cage upon presentation to the cashier;

(c) The dealer assigned to the gaming table upon receipt at such table from the security department employee; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt at such table.

(9) Upon meeting the signature requirements, the security department employee transporting the original and duplicate copies of the credit slip to the gaming table, shall observe the following:

(a) The dealer shall immediately place the duplicate copies of the credit slip and request for credit in the drop box attached to the gaming table from which the gaming chips or coins are removed; and

(b) The security department employee shall expeditiously return the original credit slip to the cashier's cage where the original of the credit slip and request for credit shall be maintained together and controlled by cage employees.

(10) The original and duplicate copies of "VOID" credit slips, and the original request for credit and credit slip shall be forwarded to:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate credit slip and the duplicate request for credit removed from the drop box, after which the request for credit and the original and duplicate credit slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate copies of the credit slip and request for credit removed from the drop box and the triplicate.

#### NEW SECTION

**WAC 230-40-875 Procedures for closing house-banked gaming tables.** Procedures shall be followed for closing gaming tables that ensure proper accountability of gaming chips and coins. The following restrictions and procedures apply:



(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and taped by the surveillance department.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

(3) Table inventory slips shall be three-part serially pre-numbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is maintained and controlled by security, the gaming operation supervisor shall record the following:

(a) The date and identification of the shift ended;

(b) The game and table number;

(c) The total value of each denomination of gaming chips and coins remaining at the tables; and

(d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

(5) Upon meeting the signature requirements:

(a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;

(b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and

(c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

(6) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

(7) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

#### NEW SECTION

**WAC 230-40-880 Count room requirements.** All card room licensees offering house-banked card games or utilizing drop boxes for the collection of game fees or wagers shall be required to maintain a secured area for the counting of gaming chips, coin, and currency. The following requirements, restrictions, and procedures apply:

(1) There shall be a room specifically designated for counting the contents of drop boxes, which shall be known as the "count room": Provided, That licensees not offering house-banked card games shall not be required to maintain a count room for counting the contents of drop boxes if they

have another secure location and they meet all other commission requirements for surveillance and counting procedures.

(2) The count room shall be a fully enclosed room with only one entry designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein, to include at a minimum, the following:

(a) A door equipped with at least one lock securing the count room door, the key or combination to which shall be maintained and controlled by the security department. If a double locking system is used, the gaming operation department shall maintain a second key;

(b) The gaming operation department or security department shall establish a sign-out procedure for all keys removed from the security department; and

(c) An alarm device connected to the entrance of the count room in such a manner as to cause a signaling to the surveillance employees of the closed circuit television system whenever the door to the count room is opened.

(3) The following shall be located within the count room:

(a) A table constructed of clear glass or similar material with a base that does not obstruct viewing for the emptying, counting, and recording of the contents of the drop boxes which shall be known as the "count";

(b) Closed circuit television cameras and microphones that are capable of, but not limited to, the following:

(i) Effective and detailed video and audio monitoring of the entire count process; and

(ii) Effective, detailed video-monitoring of the count room and all contents, including storage cabinets or trolleys used to store drop boxes.

(c) The licensee shall post a sign within the count room or at the entrance disclosing that audio recordings within the count room are being conducted at all times.

(4) A count room sign-in log shall be maintained by the licensee as prescribed by the commission.

#### NEW SECTION

**WAC 230-40-885 Counting and recording contents of drop boxes—Procedures.** The contents of drop boxes shall be counted and recorded in a manner that ensures the proper accountability of all gaming chips, coins, and currency. The following restrictions and procedures apply:

(1) The security department shall notify the surveillance department whenever the contents of drop boxes removed from gaming tables are to be counted and recorded, which, at a minimum, shall be once each gaming day.

(2) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of and by those employees assigned by the gaming operation department for the conduct of the count. The count team must consist of three employees who shall not be in a position to perpetrate or conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities.

(3) Immediately prior to the opening of the drop boxes, the doors to the count room shall be securely locked and except as otherwise authorized, no person shall be permitted

to enter or leave the count room, except during a normal work break or in an emergency, until the entire counting, recording, and verification process is completed.

(4) Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the closed circuit television surveillance room in the establishment that the count is about to begin, after which such person shall make a video and audio recording of the entire counting process.

(5) Contents of drop boxes shall not be mixed prior to counting and recording of each drop box. Procedures and requirements for conducting the count shall be the following:

(a) As each drop box is placed on the count table, one count team member shall announce, in a tone of voice to be heard by all persons present and to be recorded by the audio recording device, the game, table number, and shift marked thereon;

(b) The contents of each drop box shall be emptied and counted separately on the count table;

(c) Immediately after the contents of a drop box are emptied onto the count table, the inside of the drop box shall be held up to the full view of a closed circuit television camera, and shall be shown to at least one other count team member to confirm that all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes;

(d) The contents of each drop box shall be segregated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document;

(e) Each denomination of coin and currency shall be counted separately, either manually or mechanically, by at least two count team members who shall place individual bills and coins of the same denomination on the count table in full view of the closed circuit television cameras, and such count shall be observed and the accuracy confirmed orally or in writing, by at least one other count team member;

(f) As the contents of each drop box is counted, one count team member shall record or verify on a master game report, by game, table number, and shift, the following information:

(i) The total amount of currency and coin counted, also known as the "drop";

(ii) The amount of the opener;

(iii) The amount of the closer;

(iv) The serial number and amount of each fill slip;

(v) The total amount of all fill slips;

(vi) The serial number and amount of each credit slip;

(vii) The total amount of all credit slips; and

(viii) The game win or loss.

(g) After the contents of each drop box have been counted and recorded, one member of the count team shall record by game and shift, on the master game report, the total amounts of currency and coin, table inventory slips, fill slips and credit slips counted, and win or loss, together with such additional information as may be required on the master game report by the licensee.

(h) Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the recording on the master

game report of fill slips, credit slips, and table inventory slips by cage cashiers prior to the commencement of the count, a count team member shall compare the serial numbers and totals of the amounts recorded thereon to the fill slips, credit slips, and table inventory slips removed from the drop boxes;

(i) Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the count team functions to be comprised only of counting and recording currency, coin, and credits, accounting department employees shall perform all other counting, recording and comparing duties herein; and

(j) After completion and verification of the master game report, each count team member shall sign the report attesting to the accuracy of the information recorded thereon.

(6) Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:

(a) All cash removed from each drop box after the initial count shall be presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of the count team, shall recount, either manually or mechanically, the cash received;

(b) The top copy of the master game report, after signing, and the request for fills, the fill slips, the request for credits, the credit slips, and the table inventory slips removed from drop boxes, shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel; and

(c) If the licensee's system of accounting and internal controls does not provide for the forwarding from the cashier's cage of the duplicate of the fill slips, credit slips, request for credits, request for fills, such documents recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

(7) The originals and copies of the master game report, request for fills, fill slips, request for credits, credit slips and table inventory slips shall on a daily basis, in the accounting department be:

(a) Compared for agreement with each other, on a test basis, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;

(b) Reviewed for the appropriate number and propriety of signatures on a test basis;

(c) Accounted for by series numbers, if applicable;

(d) Tested for proper calculation, summarization, and recording;

(e) Subsequently recorded; and

(f) Maintained and controlled by the accounting department.

(8) Card rooms not operating house-banked card games shall not have to meet the requirements above: Provided, That the following requirements shall be met:

(a) The count shall occur at a specific time that has been reported to commission staff;

(b) All fees shall be counted at least once each operating day;

(c) The count shall be made by at least two licensed employees of the card room who shall record the amount on the count slip for each drop box;

(d) The surveillance requirements of WAC 230-40-825 shall be met; and

(e) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.

#### NEW SECTION

**WAC 230-40-890 Signatures—Requirements.** Each transfer of cash, coins, or chips shall be documented and verified by signatures of individuals responsible for applicable records. A record of authorized signatures shall be maintained for all employees of a house-banked card room authorized to approve transfers of cash, coin, or chips. The following restrictions and operating procedures apply to licensees conducting house-banked card games:

(1) Signatures shall:

(a) Be, at a minimum, the signer's first initial and last name, i.e., "B. Smith";

(b) Be immediately adjacent to, or above, the clearly printed or preprinted title of the signer and his or her employee number; and

(c) Signify that the signer has prepared forms, records, and documents, and/or is authorized to a sufficient extent to attest to the accuracy of the information recorded thereon, in conformity with these standards and the licensee's system of accounting and internal control.

(2) The licensee shall ensure that signature cards are completed for each person who signs or initials forms, records and documents, and shall include samples of signatures and initials of signers. Such signature records shall be prepared in the presence of a member of the accounting department who shall verify the employee's identity by review of a picture identification card. Completed cards shall be maintained in a dated signature card file, sorted by department and listed alphabetically by name. The signature records shall be adjusted on a timely basis to reflect changes of personnel and must be retained for a period of at least one year after employment terminates.

(3) Signature cards shall be securely stored in the accounting department. A copy of each signature card shall be maintained in the cashier's cage and be used by cage personnel to verify applicable signatures.

#### NEW SECTION

**WAC 230-40-895 Key control requirements and procedures.** All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

(1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:

(a) Constructed of metal with a minimum of one keylock mechanism;

(b) Be attached to a permanent structure without visibility of hardware used to attach the key box;

(c) Be tamper proof;

(d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order;

(e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in areas where unauthorized individuals have access, that person may only have custody of the key and open the key box in the presence of the key custodian; or while under camera coverage.

(2) Individual key control boxes shall be maintained by at least three departments including gaming operations, accounting, and security/surveillance. Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

(a) Keys included in the key control box maintained by the gaming operations department shall include:

(i) Key to each pit podium;

(ii) Key(s) to drawers and other locking cabinets located in each pit podium;

(iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;

(iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;

(v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;

(vi) Key to all electrical control boxes used to maintain authorized card games;

(vii) Other keys included in the licensee's internal controls and approved by commission staff.

(b) Keys included in the key control box maintained by security/surveillance shall include:

(i) Key to the lock used to secure the count room door;

(ii) Key utilized to unlock the drop boxes from the gaming tables;

(iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;

(iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;

(v) Key to the room used for clandestine surveillance;

(vi) Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts;

(vii) Key to main entry or access door of the card room;

(viii) Other keys included in the licensee's internal controls and approved by commission staff.

(c) Keys included in the key control box maintained by the accounting department shall include:

(i) Key to the lock securing the contents of the drop boxes;

(ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;

(iii) Key to the door to the cashier's cage;

(iv) Key to reset the lock to the drop boxes;

(v) Keys included in the licensee's internal controls and approved by commission staff;

(vi) Keys maintained by the cashier's cage including:

(A) Key(s) to each cashier's window drawer;

(B) Key to the chip drawer or fill bank;

(C) Key to the vault or safe;

(D) Key to the door to the cashier's cage;

(E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;

(F) Other keys included in the licensee's internal controls and approved by commission staff;

(G) Key(s) to the dealer tip boxes.

(d) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or authority over all the operations of the card room and may include:

(i) All spare or extra keys for the areas noted above.

(ii) Other keys included in the licensee's internal controls and approved by commission staff.

(3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

(4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.

(a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.

(b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.

(c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

(5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

(6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

#### NEW SECTION

**WAC 230-40-897 Card game promotions—Procedures—Restrictions.** All promotions or schemes which are directly associated with card games or which affect the internal controls of the gaming operation must be submitted and

approved by commission staff prior to implementation. The following procedures and restrictions apply:

(1) All players must have an equal opportunity to participate;

(2) The value of promotional items cannot exceed fifty dollars per person;

(3) Only one promotion may be used for each game at one time; and

(4) Detailed records must be maintained ensuring accountability, including any coupons redeemed.

#### NEW SECTION

**WAC 230-40-550 Incompatible functions defined.** Incompatible functions for accounting and internal control purposes are functions, duties, or responsibilities that place any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities. For example, an employee that writes checks should not reconcile the bank account; or an employee that transports funds should not have access to keys for locks securing such funds or to surveillance tapes recording the transaction.

#### NEW SECTION

**WAC 230-40-552 Cash equivalent defined.** Cash equivalent is a treasury check, personal check, traveler's check, wire transfer of funds, money order, certified check, cashier's check, a check drawn on the licensee's account payable to the patron or to the licensee, or a voucher recording cash drawn against a credit card or debit card.

#### NEW SECTION

**WAC 230-40-554 Chief executive officer or chief operations officer defined.** The chief executive officer or chief operations officer is the executive who has been designated by the owner, partners, or board of directors as the individual with overall responsibility for the business licensed to conduct card games.

#### NEW SECTION

**WAC 230-40-556 Gaming operations department manager defined.** A gaming operations department manager is a licensed card room employee who has been designated by the chief executive officer or chief operating officer as responsible for management of all card room operations.

#### NEW SECTION

**WAC 230-40-558 Shift manager defined.** A shift manager is a licensed card room employee who shall be responsible for all card room operations during a given shift. The shift manager reports to the gaming operations department manager and shall be the direct supervisor of the floor supervisor.

NEW SECTION

**WAC 230-40-560 Floor supervisor defined.** A floor supervisor is a licensed card room employee who shall be responsible for directly supervising a limited number of card games and the dealers assigned to those games within a designated area known as the "pit."

NEW SECTION

**WAC 230-40-562 Dealer defined.** A dealer is a licensed card room employee who is responsible for conducting card games and deals cards, collects and pays off players' bets, and collects fees. The dealer shall also be responsible for signing forms as required.

NEW SECTION

**WAC 230-02-109 Net win defined.** "Net win" means gross wagers received by a licensee from the operation of house-banked card games or fund-raising events, less the amount paid to players for winning wagers, accrual of prizes for progressive jackpot contests, and repayment of amounts used to seed guaranteed progressive jackpot prizes.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

**WAC 230-02-110 Gross gambling receipts defined.** "Gross gambling receipts" means the monetary value ~~((that would be)), stated in U.S. currency, due to any operator of a gambling activity for ((any chance taken, for any table fees for card playing, other fees for participation, or rent and lease fees for amusement games received by commercial amusement game operations, as evidenced by required records)) purchase of a chance to play a punch board or pull-tab series; purchase of a chance to enter a raffle; fees or purchase of cards to participate in bingo games; fees for participation in an amusement game, including rent or lease payments paid to licensees or franchisers for allowing operation of an amusement game on their premises; and any fee to participate in, or net win from, any card games or fund-raising events as defined in WAC 230-02-109. The value shall be ((stated in U.S. currency;)) before any deductions for prizes or ((any)) other expenses. ((In the absence of records, gross gambling receipts shall be the maximum that would be due to an operator from that particular activity if operated at maximum capacity;))~~

Fees from players for entry into a player-supported jackpot held in conjunction with card games are not gross gambling receipts: Provided, That any portion of wagers deducted for any purpose other than increasing current prizes or repayment of amounts used to seed such prizes shall be treated as gross gambling receipts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-400 Card game.

AMENDATORY SECTION (Amending WSR 98-04-023, filed 1/28/98, effective 7/1/98)

**WAC 230-02-415 Card room employee defined.** A "card room employee" is any person who is involved in the operation of social card games conducted by a card room when such games involve the collection of fees.

Individuals who only perform duties of bartenders, waitresses or similar functions limited to providing food and drink service within the card room portion of the licensed premises are not "card room employees." Persons performing at least the following functions shall be ~~((designed))~~ designated as card room employees:

- (1) Collecting fees;
- (2) Dealing;
- (3) Supervising any card game or card room employee, such as acting as a pit boss, floor person, section supervisor, etc.;
- (4) Cashier duties such as selling or redeeming chips;
- (5) Surveillance of dealers and card games to detect cheating or control functions;
- (6) Controlling card room funds including keys to secure locations;
- (7) ~~((Key employees as defined in WAC 230-02-425;))~~ Facilitating any part of the operation of a card game.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-425 Key employee defined.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

**WAC 230-04-022 Certification procedure—Information required from all applicants.** In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

- (1) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;
- (2) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;
- (3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;
- (4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;
- (5) Details and copies of all proposed management agreements or contracts between the applicant and any gam-

bling service supplier involved in providing services defined in WAC 230-02-205. All such agreements or contracts shall be reviewed by commission staff prior to the effective dates of the agreements to assure compliance with this title. No financing or management services shall be provided prior to commission approval of the contracts:

(6) The name, address, date of birth, and Social Security number of each paid employee or agent who will work in the activity for which the license is sought and a schedule of the proposed number of employees, job descriptions, and a proposed pay schedule;

~~((6))~~ (7) For each person listed below, a completed copy of the commission's form entitled "Personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

~~((7))~~ (8) If any information required on the application, changes or becomes inaccurate in any way, the commission shall be notified prior to issuance of a license. Failure to notify the commission of any changes affecting an application may constitute grounds for suspension or revocation of all licenses.

~~((8))~~ (9) Sections (1), (2), and ~~((6))~~ (7) shall not apply to applications by or on behalf of an incorporated city or town in the state of Washington.

**AMENDATORY SECTION** (Amending Order 304, filed 11/21/96, effective 1/1/97)

**WAC 230-04-140 Licensing of public card room employees—Procedures—Exceptions.** ~~((1))~~ Except as provided for in this section, no person shall act as a public card room employee in a Class E, F, or house-banked card room unless ((he or she)) such person has ((either)) received a license ((to do so)) from the commission ((or)) and operators shall not employ any unlicensed person to perform duties for which a license is required. The following procedures and exceptions apply to public card room employee licenses:

(1) Individuals may perform card room duties prior to receiving an employee license if:

(a) They have properly submitted a completed card room employee application to the commission and met all the requirements set forth in this subsection. For purposes of this section, an application shall be deemed complete when all requested data has been entered on the form, all questions are fully and truthfully answered, all attachments are included and the application is accompanied by the required fees. An application shall be deemed received when delivered to the commission's headquarters office during normal business hours or deposited in the U.S. mail properly addressed to the commission:

(b) The commission has performed basic criminal background procedures prior to any duties being performed. To

assure adequate time for such investigation, applicants shall not be allowed to perform card room duties until at least fifteen days has elapsed from the date of application: Provided, That commission staff may waive the fifteen-day waiting period. Such a waiver shall only be granted if:

(i) An employer can demonstrate an urgent and unexpected need for such employee;

(ii) The failure to grant such waiver would result in business closure or weaken the control structure of the activity;

(iii) The circumstances causing the need for a waiver was beyond the control of the licensee;

(iv) Commission staff is able to complete expedited review procedures; and

(v) The fee for such waiver is paid per WAC 230-04-204; and

(c) They are not restricted by subsection (2) of this section.

(2) An individual shall not be allowed to work prior to receiving an employee license if:

(a) The commission has ~~((not))~~ previously revoked a license or denied an application by that ~~((person for such a license; and~~

~~(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has)) individual; or~~

(b) They have been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.075, 9.46.158, ~~((that person shall not act as a public card room employee unless he or she has been issued a license by the commission.~~

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): Provided, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B or Class D license only. In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked)) and WAC 230-04-400; or

(c) The applicant:

(i) Has administrative or criminal charges pending;

(ii) Is awaiting results of an administrative hearing, criminal trial or appeal;

(iii) Is serving a period of probation or otherwise under court supervision; or

(iv) Is subject to an arrest warrant.

(3) Once the commission notifies a card room operator that an employee is not qualified to work without a license, the operator shall immediately suspend the applicant employee from all card room related duties.

~~((3))~~ (4) If an applicant elects to perform the duties of a card room employee prior to receiving a license as authorized under the provisions of ~~((paragraph (1)(a) and (b) above)) this~~

section, the commission shall retain the entire application fee regardless of the disposition of the application.

~~((4))~~ (5) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. ~~((Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.~~

~~((5))~~ (6) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

(7) A card room employee license shall be valid for a period not to exceed one year from the date a license is issued or the date of the application if the applicant works prior to receiving a license.

(8) A licensed operator shall maintain a photocopy of each employee's license, or application if a license has not been issued, on the licensed premises at all times. Such photocopy shall be available for inspection by commission staff or other law enforcement personnel upon request.

(9) A card room employee may work for an additional employer or change employers by submitting a transfer or change of employer application. Such application shall be maintained by the employing organization as required by subsection (8) of this section. The fee for changing employers shall be as set forth in WAC 230-04-204.

(10) A certified Class III gaming employee may apply for a license conversion to work as a card room employee by submitting a transfer or change of employer application. The fee for a conversion shall be as set forth in WAC 230-04-204.

## NEW SECTION

**WAC 230-04-207 Additional requirements—House-banked card games.** Prior to being granted a license, each applicant for a house-banked card room license shall demonstrate their ability to comply with commission requirements for operation of house-banked card games. In order to demonstrate this capability, an applicant shall provide such information as the commission staff may require. Such information shall be reviewed and any discrepancies corrected prior to the granting of a license. At least the following shall be submitted as a part of their application:

(1) A detailed description of its planned system of internal accounting and administrative controls in the standard format prescribed by commission staff. Such information shall meet all requirements set forth in WAC 230-40-815 and be presented in both a narrative and diagrammatic form;

(2) A detailed diagram of the planned physical layout of the card room and all supporting installations. Such diagram shall include at least the following:

- (a) The location of all gaming tables;
- (b) The location of all surveillance cameras;

- (c) The count room;
  - (d) The surveillance room; and
  - (e) The cashier's cage;
- (3) A detailed description of:
- (a) Card games to be played, including rules of play; and
  - (b) Type of gaming tables, including table layouts.

**AMENDATORY SECTION** (Amending Order 12, filed 2/14/74)

**WAC 230-04-255 Director may issue temporary licenses (~~not to exceed sixty days~~)—Procedures—Restrictions.** The director may issue a temporary license (~~by the commission~~) upon the administrative approval of the application (~~for a license~~). The following procedures and restrictions apply to temporary licenses:

(1) The director shall not issue temporary licenses to:

- (a) Manufacturers; and
- (b) Applicants to operate house-banked card games;

(2) Temporary licenses shall allow an applicant to conduct such activity for a period not to exceed sixty days.

(3) If the application is not approved by the commission during the sixty day period, (~~such~~) the temporary license shall become void: Provided, That if the commission does not conduct a meeting within the sixty-day period, the director may approve an additional temporary license to expire no later than the day following the next scheduled public meeting:

(4) Once approved by the commission, a temporary license will be replaced with the issuance of a license to expire one year from the initial date of the temporary license (~~issued by the director under this provision~~).

**AMENDATORY SECTION** (Amending Order 91, filed 8/14/79)

**WAC 230-04-450 Display of licenses.** All licenses or permits granted by the commission shall be prominently displayed in the licensee's gaming area and available for inspection by commission staff, law enforcement agents and the public at all times (~~upon the licensed premises in such position as they may be observed by persons participating in gambling activities on the licensed premises, except as may otherwise be provided by these rules.~~

If a licensed employee works in similar employment for one or more additional employers than the employer upon whose premises the original license is displayed, the employee may obtain from the commission such copy or copies of his or her license as may be necessary for display upon the premises of such additional employer); Provided, That individual licenses, as set forth in WAC 230-04-204, shall not be required to be on display but must be available to the public upon request.

**AMENDATORY SECTION** (Amending Order 369, filed 12/1/98, effective 1/1/99)

**WAC 230-08-040 Sales invoices—Minimum information to be recorded for transfer of gambling equip-**

**ment and merchandise—Retention—Penalties.** The following requirements apply to sales invoices:

(1) In addition to entries required by WAC 230-08-025, the following information shall be recorded on invoices for sales or transfer of gambling equipment (~~and~~), merchandise, and card room forms:

(a) Punch boards/pull-tabs - for each board or series:

(i) Trade name of device;

(ii) Type of device;

(iii) Form number or other manufacturer-assigned scheme to specifically identify a device, including the size or number of chances; and

(iv) Identification and inspection services stamp number.

(b) Pull-tab dispensing devices:

(i) Trade name of device;

(ii) Type of device; and

(iii) Identification and inspection services stamp number.

(c) Disposable bingo cards - for each set of cards or collation of packets:

(i) Type of product, including product line;

(ii) Description of product, including the number of cartons, "series," "on," "cut," and "up";

(iii) Identification and inspection services stamp number;

(iv) Serial number or, if packets, serial number of the top page;

(v) Color and border pattern or, if packets, color and border pattern of the top page;

(vi) The unit or package number when a series or collation has been divided as authorized in WAC 230-20-192(6); and

(vii) For disposable bingo cards to be sold for linked bingo prizes the beginning and ending sheet numbers sold to or returned from the operator.

(d) Merchandise to be used as prizes for any gambling activity, whether purchased from a licensed distributor or from other than a licensed distributor, must be recorded on a sales invoice or receipt. The following information must be on the sales invoice or receipt provided by the seller:

(i) The date of purchase;

(ii) The company's name and adequate business address;

(iii) A full description of each item purchased;

(iv) The quantity of items purchased; and

(v) The cost per individual items purchased; and

(e) Card room forms - all required serially prenumbered forms:

(i) Type of form;

(ii) Beginning and ending serial numbers; and

(iii) Quantity of forms.

~~(f)~~ All other gambling equipment:

(i) Trade name of device;

(ii) Type of device;

(iii) Serial number or other identification numbers or characteristics; and

(iv) Identification and inspection services stamp number.

(2) All sales invoices and receipts must be maintained by the (~~operator~~) licensee for at least three years.

(3) Any manufacturer, distributor, linked bingo prize provider, or licensed representative of the above, who fails to accurately complete any invoice for the sale or return of a punch board, pull-tab series, pull-tab dispensing device, disposable bingo cards, related merchandise, or other gambling device may be assessed a fee of up to fifty dollars per incomplete invoice. The fee shall be used to defray extra costs incurred by the commission in tracking transfers or other monitoring procedures as a result of errors or omissions.

AMENDATORY SECTION (Amending Order 238, filed 4/21/93, effective 7/1/93)

**WAC 230-08-090 Daily records—Card games.** In addition to any other requirements set forth in these rules, persons licensed to operate card rooms at which a fee is charged to play or which operates a player-supported jackpot (PSJ) or house-banked card games shall be required to prepare a detailed record covering each (~~occasion. This~~) day of operation. Each separate record shall be maintained continuously during hours of operation and (~~updated immediately following the collection of fees during all time periods~~). The commission shall provide to the licensee a consecutively pre-numbered standard format record sheet. This form shall contain the following:

(1) The date of the occasion;

(2) The time that the half hour fee was charged;

(3) The amount of half hour fee charged per table;

(4) The number of players at each table at half hour intervals to include all nonpaying house players;

(5) entries made as required by this section. The format for such records shall be as prescribed by the commission. The records shall include information to be placed in a form, record or document, or in stored data which shall be annotated in ink or other permanent form. Data maintained in computer data bases must be printed on a periodic basis. Daily card room records shall be maintained as follows:

(1) Separate records shall be prepared for each day social card games are played and fees collected or house-banked card games are operated. Such records shall be completed for each table and each PSJ for which fees are collected from players. The minimum daily records shall include the following information:

(a) The date and time period during which fees were collected or house-banked card games were operated.

(b) The assessment method and the fee charged per assessment method for each table.

(c) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensee);

~~((6))~~ (d) The amount of fees collected at each table at each (~~half hour~~) collection interval;

~~((7))~~ (e) The (~~cumulative~~) gross amount received from fees collected on each (~~occasion and in total~~);

~~(8) A reconciliation of chips and cash on a daily basis; and~~

~~(9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.)~~ operating day by table and by assessment method.



(f) The number of players at the time of fee collection when fees are assessed based on a period of time;

(g) A record of card room employees and hours worked; and

(h) The total drop which includes all cash placed in drop boxes and the net win or loss by the table and game type from house-banked card games.

(2) Fees for tournaments shall be recorded as set forth in WAC 230-40-055.

(3) PSJ records shall include the following information in addition to the information required by subsection (1) of this section:

(a) A separate entry for each type of PSJ for which fees were collected to include:

(i) Table number;

(ii) Prize fund number; and

(iii) Assessment rate.

(b) PSJ fund accrual record.

(4) A daily summary record that includes a reconciliation of all fees collected during an operating day shall be prepared for each day card games are operated and fees collected. This record shall include at least the following:

(a) The name of the licensee;

(b) The date of the activity. If the activity spans two days, the day that the activity begins shall be recorded;

(c) Card room hours of operation;

(d) The beginning and ending balances of all chips and cash in the cage;

(e) The printed name and signature of person(s) preparing the record; and

(f) Such other daily records as required for specific card room activities.

(5) All detailed records ((~~sheets issued to a licensee shall be numerically accounted for, and~~) prepared shall be maintained ((~~on the premises~~)) for a period of not less than three years ((~~from the date of the occasion which it records. An "occasion" for card rooms shall be defined as 20 hours beginning at 6:00 a.m. one day and running continuously through 2:00 a.m. the following day~~)). At least the past six months of records must be available on premises. All other records shall be available within forty-eight hours upon request by commission staff, local law enforcement or taxing authorities.

## NEW SECTION

**WAC 230-08-027 House-banked card games—General accounting records to be maintained.** Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded

on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

(a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";

(b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;

(c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;

(d) Records of amounts payable by the gaming operation;

(e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and

(f) Records of services provided for the operation of gaming activity.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

(a) The original, duplicate, and triplicate copies shall be color-coded;

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc., imprinted or pre-printed thereon or therein; and

(b) Be located at the licensed premises for three years: Provided, That the director or the director's designee may waive parts of this section if requested by the licensee.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall include employee names, license numbers and expiration dates. In addition, photocopies of all current employees' licenses must be maintained on the premises. If an employee license has not yet been issued, the licensee shall maintain a copy of the temporary employment authorization, documentation that the required payment has been made, and whether the employee has adhered to the twenty-day waiting period, if applicable. The licensee shall ensure the commission is notified if an employee license has not been received within sixty days of employment.

**AMENDATORY SECTION** (Amending WSR 95-07-094, filed 3/17/95, effective 7/1/95)

**WAC 230-08-160 Quarterly activity reports by operators of social and public card rooms.** Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below: Provided, That persons licensed under Class "D" - general, no fee charged, are exempt from all portions of this section:

(1) Reports shall be submitted detailing activities occurring during each of the following periods of the year:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

(a) Gross gambling receipts (~~from the collection of fees charged for allowing persons to play~~);

(b) Full details of all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of the card room (~~including~~);

~~(i) A description of the work performed by that person, including identifying each dealer;~~

~~(ii) The hourly wage, including benefits;~~

~~(iii) The total hours worked during the period); (and~~

~~(iv)) (c) Full details of all other expenses related to the operation of the card room;~~

~~((e)) (d) Net gambling income or loss from the operation of the card room for the reporting period;~~

~~((d)) (e) The normal days and times of operation of the card room; and~~

~~((e)) (f) The total hours the card room was open during the period.~~

**AMENDATORY SECTION** (Amending Order 303, filed 11/21/96, effective 12/22/96)

**WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception.** No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity. The consid-

eration required to participate in the activity shall be collected in full, by cash, check, or electronic point-of-sale bank transfer, prior to participation: Provided, That this prohibition shall not apply to the following situations:

(1) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

(2) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(a) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(b) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

(3) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles; and

(4) Promotional gifts detailed below:

(a) The providing of free or discounted food, drink, or merchandise to card players at a public card room;

(b) Promotional activities conducted as a part of bingo games and authorized by WAC 230-20-125;

(c) Performances as authorized by WAC 230-20-111;

(d) Free play for card playing as authorized by WAC 230-40-050(~~(4)~~) (7);

(e) "Free roll" or customer appreciation tournaments as authorized by WAC 230-40-055(2); and

(f) Promotional game cards meeting the standards of WAC 230-46-070(1)(~~(a), (b), (c), (d), (e)~~).

#### NEW SECTION

**WAC 230-12-072 Player-supported jackpot funds—Deposit requirements.** Each licensee authorized to conduct player-supported jackpots (PSJs) shall protect and ensure proper accountability of all funds collected from players. Funds shall be controlled as follows:

(1) Each licensee shall maintain a bank account for holding PSJ funds. The account shall be kept separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing PSJ funds.

(2) Only receipts from PSJs shall be deposited into the account.

(3) No expenditures shall be made from the receipts of any PSJ until such receipts have first been deposited in the PSJ: Provided, That licensees may pay out prizes won during the operating day and deduct administrative expenses prior to deposit.

(4) Receipts from the operation of PSJs, which are being held pending disbursement, shall be deposited in the licensee's PSJ account within two banking days of the date of collection: Provided, That funds deposited within two days to an armored car service shall meet this requirement.

(5) All deposits of PSJ funds shall be specifically identified by type of fund and dates of collection. The validated deposit receipt shall be kept as a part of the records required by WAC 230-08-090.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the PSJ fund balances. The reconciliation shall be kept as a part of the records required by WAC 230-08-090.

#### NEW SECTION

**WAC 230-12-073 House-banked card games—Prizes—Deposit requirements.** Each organization licensed to conduct house-banked card games shall ensure sufficient funds are available to pay prizes offered. Funds shall be controlled as follows:

(1) Each licensee shall maintain a bank account for holding jackpot prizes accrued at house-banked card games. The account shall be separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing prize funds.

(2) Amounts accrued for any house-banked game which offers a progressive jackpot shall be deposited into the jackpot prize account at least weekly for all disclosed and reserve jackpot funds.

(3) In addition to any progressive jackpot prize funds required to be maintained in the bank account, licensees shall also deposit and maintain in the account an amount equal to the total of all individual prizes offered which exceed twenty-five thousand dollars. For games in which the prize is based on the amount wagered, the highest wager allowed by the licensee shall be used in computing the individual prize amount for purposes of determining the deposit requirement.

(4) No game shall be offered for play until the above conditions have been met. At anytime that the prize account is reduced below the level required, the licensee shall immediately cease operating games until they are in compliance. At no time shall the account go below the total amount of progressive jackpots and individual prizes offered over twenty-five thousand dollars. Failure to maintain funds as required above shall be prima facie evidence of defrauding the public in violation of RCW 9.46.190.

(5) A record of all deposits shall specifically identify by game name and number and dates of collection for progressive prizes. The validated deposit slip shall be kept as part of the records required by WAC 230-08-090.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the jackpot prize balances. The reconciliation shall be kept as part of the records required by WAC 230-08-090.

AMENDATORY SECTION (Amending Order 192, filed 5/16/89)

**WAC 230-40-070 Licensee to furnish all cards, chips and other services.** Each public card room and Class A social card room licensee shall furnish ~~((the following items and services))~~ all chips and cards in connection with all card games conducted on its premises at no additional charge to the players(:(

~~(1) Chips. Chips for use in wagering shall be of generally conventional size and design. Chips furnished by a licensee shall be so designed that they are readily identifiable as having been furnished by that particular licensee.~~

~~(2) Cards or mah-jongg tiles. The deck, or decks of cards being used at a given table where any poker game is being played shall be changed at a minimum every half hour by the licensee.~~

~~Playing cards or mah-jongg tiles furnished shall be of generally conventional size and design. Playing cards or tiles that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards or tiles identifiable to players other than as allowed by the rules of the particular game are prohibited.~~

~~(3))~~, except as provided in WAC 230-40-050(6). All chips and cards shall be of generally conventional size and design, and include safeguards that maximize the integrity of the card games. The following standards and procedures apply to this section:

(1) The licensee shall furnish chips and cards that meet the following requirements:

(a) Chips. Chips must include the house name or logo, clearly denote the chip value, be produced by a licensed manufacturer, and purchased from a licensed manufacturer or distributor: Provided, That the director may exempt Class A, B, C, and E licensees with five tables or less from this provision if chips are readily identifiable as having been furnished by that particular licensee and values of chips are clearly posted in the card room: Provided further, That Class D licensees are exempt from the provisions set forth in this subsection: and

(b) Cards. The deck or decks of cards must include the house name or logo, be produced by a licensed manufacturer, and be purchased from a licensed manufacturer or distributor: Provided, That Class A, B, C, D, and E licensees with five tables or less are exempt from this provision. These licensees shall comply with all other requirements related to the type of games being played.

(2) Bank services. The licensee shall sell its chips to all players desiring to buy them ((not in excess of any limits set by the commission)) and redeem all chips at the value for which they were sold. ((The value at which the various types of chips are sold and redeemed shall be conspicuously posted and visible to each person prior to that person purchasing chips. Money taken in on chips sold and table fees collected shall be kept)) The licensee shall collect the money taken in on chips sold and fees collected and shall keep these funds separate and apart from all other money received by the licensee.

~~((4))~~ (3) Chips ((may)) shall be sold for cash only and ((no)) a licensee shall not extend credit of any nature ((shall

~~be extended by an operator~~) to a person purchasing chips: Provided, That ~~((an operator))~~ a licensee may accept a check in accordance with WAC 230-12-053 and 230-40-845. ~~((Counter checks are prohibited.))~~ Each receipt by a person of a quantity of chips from the ~~((operator))~~ licensee shall be a separate transaction for the purpose of this rule. Checks received for chips retained by the ~~((operator))~~ licensee after close of business shall be deposited by the ~~((operator))~~ licensee not later than the second day following receipt upon which the ~~((operator's))~~ licensee's bank is open for business.

~~((5))~~ ~~No licensee shall allow~~ (4) The licensee shall safeguard all chips and cards to assure integrity of games and banking services and no licensee shall allow:

(a) Playing cards that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards identifiable to players other than as allowed by the rules of the particular game.

(b) Any cards or chips not furnished by the licensee ~~((on that business day))~~ to be used in any card game conducted upon its premises ~~((No licensee shall allow)); or~~

(c) Any other person to buy or sell chips for use in card games upon its premises ~~((nor provide any other item or service for use in connection with the game)).~~

AMENDATORY SECTION (Amending Order 252, filed 6/15/94, effective 7/16/94)

**WAC 230-40-120 Limits on wagers in card games.**

Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

(1) ~~((The maximum number of wagers in any betting round shall be three, comprised of an initial wager plus two raises.~~

(2) ~~The maximum number of a wager in any betting round shall be as follows:~~

(a) ~~Games with a single betting round — ten dollars per wager;~~

(b) ~~Games with multiple betting rounds:~~

(i) ~~Two betting round games — wagers for the first round shall not exceed five dollars, and the second round shall not exceed ten dollars;~~

(ii) ~~Three betting round games — wagers for the first two betting rounds shall not exceed five dollars, and wagers for the third betting round shall not exceed ten dollars;~~

(iii) ~~Four betting round games — the wagers for each round may be structured by house rule: Provided, That the total wagers for all four betting rounds shall not exceed twenty-five dollars, and any single wager shall not exceed ten dollars; and~~

(iv) ~~Five betting round games — the wagers for each round may be structured by house rule: Provided, That the total wagers for all five betting rounds shall not exceed thirty dollars, and any single wager shall not exceed ten dollars.~~

(e) ~~Games that do not allow raises — single wager not to exceed ten dollars for each betting round.~~

~~((3))~~ Nonhouse-banked card games:

(a) Poker:

(i) There shall be no more than five betting rounds in any one game;

(ii) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(iii) The maximum amount of a single wager shall not exceed twenty-five dollars.

(b) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

~~((4))~~ (c) An ante, except for panguingue (pan), shall not be more than ~~((ten dollars))~~ the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed ~~((ten dollars))~~ the maximum wager allowed for the first betting round. ~~((No one player can ante more than the maximum wager allowed in the first round.))~~ An ante, by house rule, may be used as part of a player's wager.

~~((5))~~ (d) Panguingue (pan) - the maximum value of a chip for a payoff ~~((with))~~ shall not exceed ~~((four))~~ ten dollars. An ante will not exceed one chip. ~~((No))~~ Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

~~((6))~~ ~~Provided, Washington blackjack shall be subject to the rules and wagering limits set forth in WAC 230-40-125.))~~

(2) House-banked card games:

(a) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed twenty-five dollars;

(b) Licensees authorized to conduct Phase II house-banked card games shall not allow a single wager to exceed one hundred dollars;

(c) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

(d) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsection (1)(a)(i) and (ii) of this section.

(3) House rules establishing wagering limits for each type of game played shall be posted in plain view where it can be seen by the players in the card game.

WSR 00-09-060

PERMANENT RULES

DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT

[Filed April 17, 2000, 1:36 p.m.]

Date of Adoption: April 17, 2000.

Purpose: The rules allow the long-term care ombudsman program to exercise all of the authorities and duties granted to it in the reauthorized Older Americans Act and chapter 43.190 RCW, and provide, per legislative directive, that the Department of Community, Trade and Economic Develop-

ment contract with a private nonprofit agency to run the program.

Citation of Existing Rules Affected by this Order: Chapter 388-18 WAC will be repealed by the Department of Social and Health Services.

Statutory Authority for Adoption: Chapter 43.190 RCW.

Other Authority: Older Americans Act of 1965 (42 U.S.C., 3001 et seq., as amended).

Adopted under notice filed as WSR 00-01-163 on December 21, 1999.

Changes Other than Editing from Proposed to Adopted Version: Minor clarification of WAC 388-18-040 with addition of subsection (1)(d).

Number of Sections Adopted in Order to Comply with Federal Statute: New 12, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 12, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 17, 2000

Busse Nutley

Deputy Director

## Chapter 365-18 WAC

### LONG-TERM CARE OMBUDSMAN PROGRAM DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

#### NEW SECTION

**WAC 365-18-010 Purpose.** The purpose of this chapter is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW and the Older Americans Act of 1965 (42 U.S.C. § 3001 et seq., as amended). The overall purpose of the ombudsman program is to promote the interests, well-being, and rights of long-term care facility residents. These rules set forth the ombudsman program's authority and duties.

#### NEW SECTION

**WAC 365-18-020 Definitions.** When used in this chapter, unless otherwise required by the context:

(1) "Contractor" means the private nonprofit organization established by contract with the department to provide

the services of the office of the state long-term care ombudsman program.

(2) "Department" means the department of community, trade, and economic development.

(3) "Immediate family" pertaining to conflicts of interest, means spouse, parents, children and siblings who live in the same household or who have, as determined by the state office, a significant financial relationship with the potential ombudsman.

(4) "Long-term care facility" or "facility" is as defined in RCW 43.190.020, and includes, but is not limited to, nursing homes, adult family homes, boarding homes, assisted living facilities, facilities that have a portion of their services established for long-term care, long-term care facilities operated by the Washington state department of veterans affairs, and any facility that is required by law to be licensed but is not.

(5) "Long-term care services" means services provided to residents and applicants of long-term care facilities including, but not limited to, assessment, placement, case management, and determinations regarding benefits, personal care, and health care, but for purposes of these regulations does not mean care or services provided in the applicant's or resident's home outside of a long-term care facility or in other locations outside of a long-term care facility. Services are those provided to residents of all ages, and include, but are not limited to, those provided to individuals with developmental or physical disabilities, mental illness, dementia, or substance abuse problems.

(6) "Ombudsman" means the state long-term care ombudsman, assistant state long-term care ombudsman, regional long-term care ombudsman, regional staff long-term care ombudsman, or certified long-term care volunteer ombudsman.

(7) "Resident" means any individual residing temporarily or permanently in a long-term care facility, and, when concerning complaints about admissions, readmissions, transfers, or discharges, includes applicants and former residents of such facilities.

(8) "State office" means the office of the state long-term care ombudsman.

(9) "Pecuniary interest" for purposes of this chapter means any significant ownership or investment interest.

#### NEW SECTION

**WAC 365-18-030 Contractor, subcontractor, and ombudsman qualifications.** (1) The contractor shall be a private nonprofit organization with demonstrated capability to carry out the responsibilities of the state long-term care ombudsman, including, but not limited to, an ability to receive, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities state-wide. Subcontractors shall have demonstrated the capability to carry out the responsibilities of their respective contracts. The contractor and subcontractors shall also be free of conflicts of interest, including:

(a) Not be an agency or organization that is responsible for licensing, certifying, or regulating long-term care facilities;

(b) Not be an association, or an affiliate of such an association, of long-term care facilities; and

(c) Have no pecuniary interest in any long-term care facility.

(2) The state long-term care ombudsman and assistant state long-term care ombudsman shall have demonstrated expertise and experience in the fields of long-term care and resident advocacy, and be free of conflicts of interest as defined in WAC 365-18-040.

(3) Ombudsmen shall have demonstrated capability to carry out the responsibilities of their respective offices, and be free of conflicts of interest as defined in WAC 365-18-040.

(4) All prospective regional and volunteer ombudsmen shall successfully complete the training program designated by the state office prior to becoming certified and beginning work as ombudsmen. In addition, during the period of their assignment as ombudsmen, all ombudsmen are expected to attend periodic training events designed to increase their knowledge and expertise with regard to long-term care ombudsman issues.

(5) Prior to becoming an ombudsman, all prospective ombudsmen shall, at a minimum, successfully pass a criminal history background check as provided by chapter 43.43 RCW.

(6) Once a person becomes an ombudsman, he or she shall successfully pass a criminal history background check as provided by chapter 43.43 RCW every three years at a minimum.

#### NEW SECTION

**WAC 365-18-040 Conflicts of interest.** (1) All ombudsmen shall be free from conflicts of interests, including:

(a) No ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within three years from the start of his or her duties as an ombudsman;

(b) No ombudsman or member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in a long-term care facility or a long-term care service;

(c) No ombudsman shall have a direct involvement in the licensing, certification, or regulation of a long-term care facility or of a long-term care service during his or her tenure as an ombudsman;

(d) No ombudsman shall be assigned to or work in a long-term care facility in which the ombudsman or a member of his/her immediate family resides;

(e) No ombudsman shall solicit or be the beneficiary of gifts, money or estate property from residents in any facility in which he or she has served or is serving as ombudsman. This subsection shall not prohibit an ombudsman from receiving gifts, money, or estate property from a resident who is a relative of the ombudsman;

(f) No ombudsman may work for an agency or entity in which the ombudsman has direct personal involvement in the

provision or establishment of involuntary services or in the involuntary commitment of a resident.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers or oversees the contractor's or subcontractor's contract, may be an official or employee of any agency or organization that conducts the licensing, certification, or regulation of long-term care facilities, or that owns, operates, or manages such facilities.

#### NEW SECTION

**WAC 365-18-050 Duties—Department.** The department shall, consistent with federal and state laws:

(1) Establish procedures for designating and contracting with a qualified private, nonprofit organization to provide the state long-term care ombudsman program services, including legal services;

(2) Facilitate the exchange of information among appropriate state agencies and organizations regarding issues relating to the long-term care ombudsman program;

(3) Help the state long-term care ombudsman obtain direct access to the directors and key staff of state governmental entities with responsibilities that impact residents of long-term care facilities;

(4) Provide other assistance to the ombudsman program as the department deems appropriate;

(5) Monitor program activities and the expenditure of state and federal funds under the contract with the state office for appropriate utilization of funds, compliance with state and federal laws, and fulfillment of contract obligations; and

(6) Assure, along with the state office, that no ombudsman is subject to a conflict of interest.

#### NEW SECTION

**WAC 365-18-060 Duties—State ombudsman.** The state long-term care ombudsman shall assure performance of the following duties:

(1) Identify, investigate, and resolve complaints that:

(a) Relate to actions, inactions, or decisions that may adversely affect the health, safety, welfare, or rights of residents;

(b) Are made by:

(i) A resident, a resident's relatives, friends, or associates;

(ii) Providers, or representatives of providers, of long-term care or health care services;

(iii) Public agencies;

(iv) Health and social service agencies; or

(v) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(2) In coordination with the appropriate state or local government agencies, develop referral procedures for all long-term care ombudsmen to refer complaints when necessary to any appropriate state or local government agency; such referral procedures must conform to the appropriate state law for referring reports of potential abuse, neglect,

exploitation or abandonment and shall contain wherever possible the information specified in the appropriate state reporting laws and shall not abridge the confidentiality requirements of this chapter;

(3) Offer and provide services to assist residents and their representatives in protecting the health, safety, welfare, and rights of the residents;

(4) Inform the residents, their representatives and others about resident rights and about the means of obtaining needed services, and work with the department of social and health services and long-term care facility administrators to assure that notices containing the name, address, and telephone number of the appropriate long-term care ombudsman are posted prominently in every long-term care facility;

(5) Ensure that residents and their representatives have regular and timely access to the services provided through the ombudsman program, and ensure that the residents and complainants receive timely responses from representatives of the ombudsman program. Provision shall be made by facilities and the ombudsman to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(6) Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(7)(a) Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to long-term care facilities and services in the state;

(b) Recommend changes in laws, regulations, policies, and actions that will further promote the interests, well-being and rights of residents;

(c) Provide such information as the state office determines to be necessary to public and private agencies, legislators, and other persons, regarding:

(i) The problems and concerns of individuals residing in long-term care facilities; and

(ii) Recommendations related to these problems and concerns; and

(d) Facilitate public comment on laws, regulations, policies, and actions related to residents of long-term care facilities and the ombudsman program;

(8)(a) Establish procedures for the training and supervision of prospective regional long-term care ombudsmen, regional long-term care staff ombudsmen, and certified volunteer ombudsmen, and ensure that all ombudsmen are educated in the fields of long-term care and advocacy, including, but not limited to, conflict resolution, laws that govern long-term care resident populations, and issues in long-term care facilities pertaining to residents with mental illness, dementia, developmental and physical disabilities, and substance abuse problems;

(b) Monitor and provide administrative and policy direction and technical assistance to the regional long-term care ombudsmen; and

(c) Coordinate the activities of long-term care ombudsmen throughout the state;

(9)(a) Promote the development of citizen groups to participate in the ombudsman program; and

(b) Provide support for the development of resident councils and family councils to protect the interests, well-being and rights of residents;

(10) Assure that representative stakeholder advisory councils are established and maintained for the state and regional ombudsman programs. All councils should include representation from a broad spectrum of interests served by the program, including, but not limited to, mental illness, dementia, and developmental and physical disabilities. All vacancies to councils should be filled where possible within six months of the vacancy;

(11) Coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness including making appropriate referrals, and with legal services funded under Title III of the Older Americans Act, through the development of memoranda of understanding and other means;

(12) Establish a grievance procedure for the purpose of providing an appeal process for any individual dissatisfied with the actions of any ombudsman. The highest level of appeal shall be the contractor and the contractor's governing board. The grievance procedure is not intended to supplant any contracting or subcontracting agency's internally established grievance procedure for disputes not related to ombudsman duties;

(13) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems;

(14) Prepare an annual report:

(a) Describing the activities carried out by the ombudsman program in the prior year;

(b) Evaluating the problems experienced by, and the complaints made by, or on behalf of, residents;

(c) Containing recommendations for:

(i) Improving quality of the care and life of the residents; and

(ii) Protecting the health, safety, welfare, and rights of the residents;

(d)(i) Analyzing the success and needs of the ombudsman program, including the success or gaps in providing services to residents of long-term care facilities; and

(ii) Identifying barriers that prevent the optimal operation of the ombudsman program;

(e) Providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers; and

(f) Make available to the federal Commissioner on Aging, the governor, the Washington state legislature, the department of social and health services, the department of health, the department of community, trade, and economic development, and other appropriate governmental entities and interested members of the public, the annual report described in this subsection;

(15) The state long-term care ombudsman may subcontract for long-term care ombudsman services, including regional long-term care ombudsman services, throughout the state. The state long-term care ombudsman has the authority to designate and certify regional long-term care ombudsmen. The state long-term care ombudsman has the authority to revoke, when good cause is shown, the subcontract or the designation and certification of the individual regional long-term care ombudsman;

(16) The state long-term care ombudsman has the authority to designate qualified individuals as certified volunteer long-term care ombudsmen representing the ombudsman program. Such individuals shall receive a certificate and picture identification card from the state office signed by the state long-term care ombudsman. The state long-term care ombudsman has the authority to revoke, when good cause is shown, this certification.

(17) Nothing in this chapter shall be construed to empower the state long-term care ombudsman or any other long-term care ombudsman with statutory or regulatory licensing or sanctioning authority.

#### NEW SECTION

**WAC 365-18-070 Duties—Regional and regional staff long-term care ombudsmen.** Regional and regional staff long-term care ombudsmen shall, in accordance with the policies and procedures established by the state office, have the following duties:

(1) Inform residents, their representatives, and others about their rights, and offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) Ensure that residents and their representatives in the service area have regular, timely access to representatives of the ombudsman program and timely responses to complaints and requests for assistance. Provision shall be made by facilities and ombudsmen to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(3) Identify, investigate, and resolve complaints that:

(a) Relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of residents;

(b) Are made by:

(i) A resident, a resident's relatives, friends, or associates;

(ii) Providers, or representatives of providers, of long-term care or health care services;

(iii) Public agencies;

(iv) Health and social service agencies; or

(v) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(4) Recruit, train, place and supervise volunteer and staff ombudsmen who have been certified by the state ombudsman;

(5) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(6) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(7) Assure that regional stakeholder advisory councils are established and maintained for the regional ombudsman programs. Efforts should be made to include representation on the councils from a broad spectrum of interests served by the program, including, but not limited to, mental illness, dementia, and developmental and physical disabilities. All vacancies to councils should be filled where possible within six months of the vacancy;

(8) Promote the development of resident councils, family councils, and citizen advocacy groups; and

(9) Carry out other activities that the state long-term care ombudsman determines to be appropriate.

#### NEW SECTION

**WAC 365-18-080 Duties—Certified volunteer long-term care ombudsmen.** Trained and certified volunteer long-term care ombudsmen shall, in accordance with policies and procedures established by the state office, and under the supervision of the regional long-term care ombudsman, have the following duties:

(1) Inform residents, their representatives and others about their rights, and offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents;

(3) Visit residents in the assigned facility(s) on a regular basis, with provision made by facilities and ombudsmen to secure privacy for the purpose of the ombudsman carrying out his or her duties;

(4) According to program policy, identify, investigate and resolve complaints that:

(a) Relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of residents;

(b) Are made by:

(i) A resident, a resident's relatives, friends, or associates;

(ii) Providers, or representatives of providers, of long-term care or health care services;

(iii) Public agencies;

(iv) Health and social service agencies; or

(v) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(5) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(6) Promote development of resident councils, family councils, and citizen advocacy groups; and

(7) Carry out other activities that the state long-term care ombudsman determines to be appropriate.



NEW SECTION

**WAC 365-18-090 Legal counsel.** The state agency shall ensure that adequate legal counsel is available, and is able, without conflict of interest, to:

- (1) Provide advice and consultation needed to protect the health, safety, welfare and rights of residents;
- (2) Pursue administrative, legal, and other remedies on behalf of residents;
- (3) Assist representatives of the state office in performance of their duties; and
- (4) Provide legal representation to any representative of the state office, including ombudsmen, against whom legal action is threatened or brought in connection with performance of their duties.

NEW SECTION

**WAC 365-18-100 Ombudsmen access to facilities, residents, and records.** (1) All ombudsmen shall have access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter, chapter 43.190 RCW, and federal law. Access to facilities and residents by ombudsmen shall be deemed necessary and reasonable at the following times:

- (a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public; and
  - (b) Any other time access may be required by the particular condition to be investigated or monitored.
- (2) Upon entering a facility, or as soon as practicable thereafter, all ombudsmen shall report their presence to the facility administration or staff in charge and, upon request, present identification as an ombudsman.
- (3) Ombudsmen shall have access to residents to perform the duties set forth in this chapter, chapter 43.190 RCW, and federal law. Provision shall be made by the facility and the ombudsman to secure privacy for the purpose of building relationships, providing information, and hearing, investigating, and resolving complaints of, and rendering advice to, residents of the facility at any time deemed necessary and reasonable by the ombudsmen to effectively carry out the provisions of this chapter.
- (4) Ombudsmen shall have private access to residents without willful interference from the facility or the resident's representative, including a guardian, family member, or holders of powers of attorney.

(5) Ombudsmen shall have the following access to a resident's records:

- (a)(i) Prompt access to review and timely access to obtain copies of all medical and social records of a resident, and other records relating to the resident if:
  - (A) The ombudsman has the permission of the resident, or the legal representative of the resident; or
  - (B) The resident is unable to consent to the review and has no legal representative; or
- (ii) Prompt access to review and timely access to obtain copies of all medical, social, and other records of a resident, as is necessary to investigate a complaint if:

(A) A legal representative of the resident, including a guardian, refuses to give the permission;

(B) The ombudsman has reasonable cause to believe that the legal representative or guardian is not acting in the best interest of the resident; and

(C) The ombudsman obtains the prior approval of the state long-term care ombudsman or his or her designee;

(b) Prompt access to review and timely access to obtain copies of any long-term care facility's documents to which the residents or the general public have access, including administrative records and policies; provided, that in licensed nursing facilities this shall include, but not be limited to, the records and policies set forth in RCW 74.42.430.

(6) Ombudsmen shall have timely access to, and copies where requested, of all licensing and certification records maintained by the state with respect to long-term care facilities.

(7) For any copies obtained under this section, the ombudsman may be charged a reasonable rate not to exceed the community standard.

NEW SECTION

**WAC 365-18-110 Confidentiality of ombudsman records, communications privileged.** (1) All records and files maintained by the long-term care ombudsman program shall remain confidential. Any disclosure of long-term care ombudsman program records is subject to the following provisions:

- (a) No disclosure shall be made without the prior approval of the state ombudsman or his or her representative.
- (b) No disclosure of the identities of complainants, witnesses, clients, or residents shall be made unless one of the following conditions has been met:
  - (i) The complainant or resident, or their legal representative consents in writing to the disclosure; or
  - (ii) The complainant or resident gives oral consent, and that consent is documented contemporaneously in writing by a representative of the state office; or
  - (iii) The disclosure is required by court order.
- (c) Nonidentifying information or statistics may be disclosed at the discretion of the state ombudsman or his or her representative.

(2) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter or federal or state statutes and done in good faith, are privileged. That privilege shall serve as a defense to any action in libel or slander. Ombudsmen are exempt from being required to testify in court, administrative hearings, or depositions as to any confidential matters, except as the court may deem necessary to enforce this chapter.

(3) In monitoring the state office and regional ombudsman programs, subject to the discretion of the state ombudsman, access to the ombudsman files and records, minus identifying information regarding any resident, complainant, or witness, shall be available to the director or one senior manager of the department and the organization in which the ombudsman program is administratively located. The individual who performs this monitoring function shall have no conflict of interest, as provided in WAC 365-18-040(2).

NEW SECTION

**WAC 365-18-120 Interference with the ombudsman, liability.** (1) It is unlawful under 42 U.S.C. Sec. 3058g(j) and RCW 43.190.090 to take any discriminatory, disciplinary, or retaliatory action against the following persons:

- (a) Any employee of a facility or agency;
- (b) Any resident or client of a long-term care facility or family member of a resident;
- (c) Any ombudsman; or
- (d) Any person;

for any communication made, or information given or disclosed, to an ombudsman carrying out his or her duties unless that person acted maliciously or without good faith.

(2) It is unlawful to willfully interfere with ombudsmen in the performance of their official duties.

(3) No ombudsman shall be liable for good faith performance of his or her duties under this chapter, chapter 43.190 RCW, or federal law.

**WSR 00-09-065****PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed April 18, 2000, 8:19 a.m.]

Date of Adoption: April 18, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-165; and amending WAC 308-93-650 and 308-93-145.

Statutory Authority for Adoption: RCW 88.02.100.

Adopted under notice filed as WSR 00-05-049 on February 14, 2000; and WSR 00-05-056 on February 15, 2000.

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 2, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, 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.

April 18, 2000

G. F. McDougall  
for Fred Stephens  
Director

AMENDATORY SECTION (Amending WSR 99-21-097, filed 10/20/99, effective 11/20/99)

**WAC 308-93-145 Vessel registration numbers—Display, size, color.** (1) **What vessels are required to display a vessel registration number?** All vessels that are required to be registered under chapter 88.02 RCW except vessels documented with the United States Coast Guard, are required to display the vessel registration numbers.

(2) **What are vessel registration numbers?** Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

(a) Uniquely identify the vessel, similar to license plate numbers for vehicles;

(b) Are assigned by the department when you apply for initial registration for your vessel;

(c) Are printed on your registration certificate and certificate of ownership;

(d) The department does not provide any physical material for you to apply to your vessel.

(3) **How do I display the assigned vessel registration number on my vessel?** The registration number assigned shall:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (6) of this section or required by subsection ((7)) (8) of this section and must be on a vertical surface;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

(4) **Are vessel registration numbers transferable from vessel to vessel?** Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

(5) **Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale?** Washington licensed vessel dealers shall display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals shall be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be painted on or attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC ((308-93-145(4))) 308-90-070(1); and

(c) The backing plate shall be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

(6) **How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visi-**

ble? In this case, the vessel registration number must be painted on or attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

(7) Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel? No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half.

(8) Is a tender as described in chapter 88.02 RCW required to display a vessel registration number? Vessels used as a tender, while exempt from registration under RCW 88.02.030, must display the numbers of the parent vessel with an additional numeric digit following the last alpha character of the vessel registration number. (Example 1) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example 2) WN 5678 EF 2 or WN-5678-EF-2.

AMENDATORY SECTION (Amending Order TL-RG-19, filed 11/19/85)

~~WAC 308-93-650 Title purpose only. ((Nothing in chapter 88.02 RCW or chapter 308-93 WAC shall be construed to prevent any person entitled thereto from securing))~~  
Can I obtain a certificate of ownership for my vessel without securing a vessel registration number and decal? Yes, you may obtain a certificate of ((title upon)) ownership for a vessel without securing a ((certificate of)) registration number and vessel decal ((when, in the judgment of the director of licensing, it is proper to do so)).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-165 Other numbers prohibited.

**WSR 00-09-066**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 18, 2000, 8:20 a.m.]

Date of Adoption: April 18, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-94-010 and 308-94-160.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 00-05-050 on February 14, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 2; 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.

April 18, 2000

G. F. McDougall  
for Fred Stephens  
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-94-010 Registration of snowmobiles.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-94-160 Registration and titling of off-road and nonhighway vehicles.

**WSR 00-09-076**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(Division of Child Support)  
[Filed April 18, 2000, 11:20 a.m.]

Date of Adoption: April 18, 2000.

Purpose: Provides an opportunity for DCS, the custodial parent or the noncustodial parent, to request entry of a temporary child support order when, in the course of administrative hearing to establish a support obligation or to determine the amount due under an existing order, (1) the administrative law judge continues the hearing or (2) any party files a petition for review of the initial decision.

New sections WAC 388-14A-3850 When may someone ask for a temporary support order? WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued? WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed? WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order. WAC 388-14A-3870 When does a temporary support order end? and

PERMANENT

WAC 388-14A-3875 What if a party does not agree with a temporary support order?

Repealing WAC 388-11-315 Temporary administrative orders.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-11-315.

Statutory Authority for Adoption: RCW 74.20A.055 and 74.08.090.

Adopted under notice filed as WSR 00-06-068 on March 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-14A-3865, subsection (1)(b)(iii) was added, requiring the administrative law judge to include the information required in WAC 388-11-210 in the temporary support order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, 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 6, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 18, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-14A-3850 When may someone ask for a temporary support order?** (1) There are two times when a temporary support order is appropriate in the course of an administrative hearing:

(a) If in a hearing to establish a support obligation or to determine the amount due under an existing order, the administrative law judge (ALJ) postpones the hearing. A postponement is also called a continuance (see WAC 388-14A-3855); or

(b) If any party files a petition for review of an initial decision which establishes or determines a current support obligation (see WAC 388-14A-3860).

(2) For the purposes of this section and WAC 388-14A-3855 through 388-14A-3875, "a party" means the division of child support (DCS), the noncustodial parent, or the physical custodian of the child.

#### NEW SECTION

**WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued?** (1) A party

may make a request that a scheduled hearing be postponed either prior to the date of the hearing, or on the date of the hearing.

(2) When the administrative law judge (ALJ) grants a continuance prior to the day of hearing, a party must request entry of a temporary support order at the time the ALJ rules on the request for continuance.

(3) When the ALJ grants a continuance on the day of hearing, a party must request entry of a temporary support order before the hearing is adjourned.

(4) When a party requests a temporary support order due to a continuance, the ALJ must either:

(a) Conduct a temporary order hearing at the same time the ALJ hears the motion for continuance; or

(b) Set a time and date within ten business days when the ALJ will hear testimony on the need for and amount of a temporary order.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

#### NEW SECTION

**WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed?**

(1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

(a) The date that party files the petition for review; or

(b) The date that party receives notice that another party has filed a petition for review.

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

#### NEW SECTION

**WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.**

(1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

(a) Issue a written order which either:

(i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or

(ii) Denies the request for a temporary support order.

(b) Include in the temporary order:

(i) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision;

(ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14-272 from the physical custodian; and

(iii) The information required by WAC 388-11-210 (1)(a) through (j), and 388-11-210(2).

(c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.

(2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;

(3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

#### NEW SECTION

**WAC 388-14A-3870 When does a temporary support order end?** (1) A temporary support order ends on the date an initial decision becomes a final order or on the date of a review decision, if any, whichever is later.

(2) If the parties settle all issues in the case by signing an agreed settlement or consent order, the temporary support order ends on the date the agreed settlement or consent order becomes a final order.

#### NEW SECTION

**WAC 388-14A-3875 What if a party does not agree with a temporary support order?** (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC 388-08-464. This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-11-315 Temporary administrative orders.

#### WSR 00-09-077

#### PERMANENT RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 18, 2000, 11:31 a.m., effective July 1, 2000]

Date of Adoption: April 18, 2000.

Purpose: Update conversion factors used to calculate maximum payment levels for services reimbursed under RBRVS and anesthesia fee schedules to adjust for changes in payment policies and to give cost of living increases to providers. Update the maximum daily rate for physical and occupational therapies to give a cost of living increase to providers.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 00-05-112 on February 16, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2000.

April 18, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 99-10-043, filed 4/30/99, effective 7/1/99)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of ~~((\$47.12))~~ \$47.07. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of ~~((\$2.13))~~ \$2.60 per minute, which is equivalent to \$39.00 per 15 minutes. The base units and payment policies can be found in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 99-10-043, filed 4/30/99, effective 7/1/99)

**WAC 296-23-220 Physical therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$84.00~~) \$91.00) whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 99-10-043, filed 4/30/99, effective 7/1/99)

**WAC 296-23-230 Occupational therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$84.00~~) \$91.00) whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

**WSR 00-09-078**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 2000, 11:31 a.m., effective July 1, 2000]

Date of Adoption: April 18, 2000.

Purpose: To clarify rules for payment of health care providers located outside Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-022, 296-21-290 and 296-23A-0230; and new section WAC 296-20-12401.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.36.080.

Adopted under notice filed as WSR 00-05-111 on February 16, 2000.

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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2000.

April 18, 2000  
Gary Moore  
Director

## NEW SECTION

**WAC 296-20-12401 Provider application process. (1) How can a provider obtain a provider account number from the department?** In order to receive a provider account number from the department, a provider must:

- Complete a provider application;
- Sign a provider agreement;
- Provide a copy of any practice or other license held;
- Complete, sign and return a Form W-9; and
- Meet the department's provider eligibility requirements as cited in the department's rules.

Notes: A provider account number is required to receive payment from the department, but is not a guarantee of payment for services.

Self-insured employers may have additional requirements for provider status.

### (2) Provider account status definitions.

- Active - account information is current and provider is eligible to receive payment.
- Inactive - account is not eligible to receive payment based on action by the department or at provider request. These accounts can be reactivated.
- Terminated - account is not eligible to receive payment based on action by the department or at provider request. These accounts can not be reactivated.

**(3) When may the department inactivate a provider account?** The department may inactivate a provider account when:

- There has been no billing activity on the account for eighteen months; or
- The provider requests inactivation; or
- Provider communications are returned due to address changes; or
- The department changes the provider application or application procedures; or
- Provider does not comply with department request to update information.

**(4) When may the department terminate a provider account?** The department may terminate a provider account when:

- The provider is found ineligible to treat per department rules; or
- The provider requests termination; or
- The provider dies or is no longer in active business status.

**(5) How can a provider reactivate a provider account?** To reactivate a provider account, the provider may call or write the department. The department may require the provider to update the provider application and/or agreement or complete other needed forms prior to reactivation. Account reactivation is subject to department review.

If a provider account has been terminated, a new provider application will be required.

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AMENDATORY SECTION (Amending WSR 90-04-057, filed 2/2/90, effective 3/5/90)

**WAC 296-20-022 Payment of out-of-state providers.**

~~((1) Beginning February 1, 1987, providers of health services in the bordering states of Oregon and Idaho shall bill and be paid according to the medical aid rules of the state of Washington:~~

~~(2) Providers of health services in other states and other countries shall be paid at rates which take into account:~~

~~(a) Payment levels allowed under the state of Washington medical aid rules;~~

~~(b) Payment levels allowed under workers compensation programs in the provider's place of business; and~~

~~(c) The usual, customary, and reasonable charges in the provider's state of business.~~

~~(3) In all cases these payment levels are the maximum allowed to providers of health services to workers. Should a health services provider's charge exceed the payment amount allowed under the state of Washington medical aid rules, the provider is prohibited from charging the injured worker for the difference between the provider's charge and the allowable rate. Providers violating this provision are ineligible to treat injured workers as provided by WAC 296-20-015 and are subject to other applicable penalties.~~

~~(4) Only those diagnostic and treatment services authorized under the state of Washington medical aid rules may be allowed by the department or self-insurer. As determined by the department of labor and industries, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (Treatment not authorized) shall apply. Specifically, services permitted under workers compensation programs in the provider's state or country of business, but which are not allowed under the medical aid rules of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department or self-insurer.~~

~~(5) Out-of-state hospitals will be paid according to WAC 296-23A-165-))~~ **(1) How will health care providers outside of Washington state be paid?** All health care service providers, regardless of their geographic location, will be paid according to the fee schedule rules, rates, coverage and payment policies as published in the Washington state *Medical Aid Rules and Fee Schedules* and/or provider bulletins.

**(2) Can an injured worker be charged for services?** In all cases, the department's maximum allowed fees and payment levels are the maximum payable. If a provider's charge exceeds the maximum amount payable under the department's *Medical Aid Rules and Fee Schedules*, the provider must not charge the injured worker for the difference. A provider violating this provision may be held ineligible to treat injured workers as provided by department rules and may be subject to other applicable penalties.

**Exception:** When a provider treats an injured worker for condition(s) unrelated to the worker's accepted industrial injury or illness, the provider may bill the worker or other insurers for the unrelated services only.

**(3) What services will be paid to providers outside of Washington?** Only those diagnostic and treatment services authorized under the state of Washington medical aid rules, fee schedules, payment policies, or medical coverage decisions may be authorized or paid by the department or self-insurer. As determined by the department of labor and industries, the scope of practice of providers outside the state of Washington may be recognized for payment purposes. However, in all cases WAC 296-20-03002 (Treatment not authorized) shall apply. Specifically, services not authorized under Washington workers compensation rules, fee schedules, payment policies, or medical coverage decisions will not be paid, even if permitted under the workers compensation program in the provider's state or country of business. When in doubt, the provider should verify coverage of a service with the department or self-insurer.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-21-290 Physical medicine.** ((The department or self-insurer will authorize and pay for physical medicine services only when the services are under the direct, continuous supervision of a physician who is "board qualified" in the field of physical medicine and rehabilitation, (except for subsections (1) and (2) of this section). The services must be carried out by the physician or registered physical therapist or a physical therapist assistant serving under the direction of a registered physical therapist, by whom he is employed.

The department or self-insurer will allow other licensed physicians to provide physical medicine modalities in the following situations:

(1) The primary attending physician may administer physical therapist modalities as listed under 97010-97039 and/or procedures as listed under 97110-97145 in the office. No more than six such visits will be authorized and paid to the attending physician. If the worker requires treatment beyond six visits, he/she must be referred to a registered physical therapist or a physiatrist for such treatment. The attending physician can bill an office visit in addition to the physical therapy visit for the same day if indicated. Refer to the department billing instructions regarding how to bill the physical therapy portion of the visit.

(2) In remote areas, where no registered physical therapist or physical therapist assistant is available, treatment by the attending physician with modalities listed under 97110-97145 may be billed under 1044M.

The codes, reimbursement levels, and other policies for physical medicine services are listed in the fee schedules.))

**(1) Whom does the department authorize and pay for physical medicine or physical therapy services?** The department or self-insurer may authorize and pay for physical medicine services from the following providers:

- A medical or osteopathic physician who is "board certified or board qualified" in the field of physical medicine and rehabilitation; or
- A licensed physical therapist; or



• The injured worker's attending doctor, within the limitations listed below.

The physical medicine services must be personally performed by the:

- Physical medicine and rehabilitation physician; or
- Attending doctor; or
- Licensed physical therapist; or
- Physical therapist assistant employed by and serving under the direction of a registered physical therapist, physical medicine and rehabilitation physician, or attending doctor.

Note: Licensed physical therapy provider rules are contained in chapter 296-23 WAC.

(2) When may the department or self-insurer pay the attending doctor for physical medicine services? The department or self-insurer may pay the attending doctor to provide physical medicine modalities and/or procedures in the following situations:

(a) The attending doctor's scope of practice includes physical medicine modalities and procedures.

(b) Only the physical medicine modalities and procedures allowed under the department's fee schedules and payment policies will be authorized or paid.

(c) No more than six physical medicine visits may be authorized and paid to the attending doctor. If the worker requires treatment beyond six visits, the worker must be referred to a licensed physical therapist or a board certified or qualified physical medicine and rehabilitation physician for such treatment. Payments will be made in accordance with the department's fee schedules and payment policies.

(d) In remote areas, where no physical medicine and rehabilitation specialist, licensed physical therapist or physical therapist assistant is available, physical medicine visits required by the patient's accepted condition(s) may be authorized and paid to the attending doctor. Payments will be made in accordance with the department's fee schedules and payment policies.

(e) The attending doctor may bill for office visits in addition to the physical medicine services only when a separately identifiable office visit service is provided in addition to the physical medicine service.

(3) What codes and fees are payable for physical medicine services?

The codes, reimbursement levels, and other policies for physical medicine services are listed in the department's *Medical Aid Rules and Fee Schedules*. Physicians licensed in physical medicine and licensed physical therapists use CPT and/or HCPCS codes, rules and payment policies as listed in the department's *Medical Aid Rules and Fee Schedules* or provider bulletins.

Attending doctors must use the local codes, rules and payment policies published in the department's *Medical Aid Rules and Fee Schedules* or provider bulletins.

**AMENDATORY SECTION** (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

**WAC 296-23A-0230** **How does the department or self-insurer pay out-of-state hospitals for hospital services?** The department or self-insurer pays out-of-state hospitals for hospital services using a percent of allowed charges (POAC) factor or department fee schedule. The POAC factor may differ for services performed in inpatient and outpatient settings. ((The department or self-insurer will pay out-of-state hospitals according to the following table:)) Payment rates to hospitals located outside of Washington state are calculated by multiplying the out-of-state percent of allowed charges factor (POAC) by the allowed charges.

Amount paid = (out-of-state POAC Factor) X (Allowed Charges).

Out-of-state hospital providers should bill and the department or self-insurer will pay out-of-state hospitals services according to the following table:

<u>((Hospital Location (State))</u>	<u>Hospital Outpatient Services</u>	<u>Hospital Inpatient Services</u>
<u>Oregon and Idaho</u>	<u>Hospital outpatient radiology, pathology and laboratory, and physical therapy services are to be billed and will be paid using the appropriate Labor and Industries fee scheduled procedure codes. All other hospital outpatient services will be paid at the Washington state-wide average percent of allowed charges (POAC) factor.</u>	<u>Washington state-wide average percent of allowed charges (POAC) factor.</u>
<u>Hospitals not in Oregon, Idaho or Washington</u>	<u>Hospital outpatient radiology, pathology and laboratory, and physical therapy services are paid 100% of allowed charges. All other hospital outpatient services are paid 97% of allowed charges.</u>	<u>97% of allowed charges.))</u>

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<u>Hospital Professional and Ambulance Services</u>	<u>Hospital Outpatient Services</u>	<u>Hospital Inpatient Services</u>
<u>Professional and ambulance services should be billed with CPT and HCPCS codes on HCFA 1500 forms under separate provider numbers. These services will be paid using the fee schedule rates and payment policies stated in the Washington Medical Aid Rules and Fee Schedules.</u>	<u>All hospital outpatient services should be billed on UB forms under the hospital provider number with revenue codes. These services will be paid at the out-of-state percent of allowed charges (POAC) factor as stated in the Washington Medical Aid Rules and Fee Schedules.</u>	<u>All hospital inpatient services should be billed on UB forms under the hospital provider number using revenue codes. These services will be paid at the out-of-state percent of allowed charges (POAC) factor as stated in the Washington Medical Aid Rules and Fee Schedules.</u>
<u>Military and veteran's administration professional and ambulance services should be billed on HCFA 1500 forms and will be paid at 100% of allowed charges.</u>	<u>Military, veteran's administration, health maintenance organization, children's, and state-run psychiatric hospitals will be paid at 100% of allowed charges for outpatient hospital services.</u>	<u>Military, veteran's administration, health maintenance organization, children's, and state-run psychiatric hospitals will be paid at 100% of allowed charges for inpatient hospital services.</u>

**WSR 00-09-086  
PERMANENT RULES  
DEPARTMENT OF REVENUE**

[Filed April 18, 2000, 4:05 p.m.]

Date of Adoption: April 18, 2000.

Purpose: The revised text of WAC 458-16A-010 and 458-16A-020 reflects 1999 changes to the underlying statute, RCW 84.36.041, that confers a property tax exemption on nonprofit homes for the aging. Some details regarding the administration of the exemption are also being revised. The updated text of WAC 458-16A-010 contains information about the exemption and about how the size of the exemption will be determined. The revised text of WAC 458-16A-020 explains how applications submitted will be handled when the home for aging is completed or begins operating after the January 1st assessment date and the manner in which the size of the property tax exemption will be determined when a home receives more than one government housing subsidy. This rule is also being revised to delete an application processing deadline that has no statutory basis.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.

Statutory Authority for Adoption: RCW 84.36.041.

Other Authority: RCW 84.36.865.

Adopted under notice filed as WSR 00-06-073 on March 1, 2000.

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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 18, 2000

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-04-016, filed 1/22/99, effective 2/22/99)

**WAC 458-16A-010 Nonprofit homes for the aging.**

(1) **Introduction.** Under RCW 84.36.041, a nonprofit home for the aging may be totally or partially exempt from property tax. This section explains the exemptions allowed and the criteria that must be met in order to receive an exemption under this statute. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing, unless a particular type of home is separately identified.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Acquisition" means that an existing home for the aging (or home) currently in operation is acquired by a nonprofit organization and the ownership of the facility will change as a result of a purchase, gift, foreclosure, or other method.

(b) "Assistance with activities of daily living" means the home provides, brokers, or contracts for the provision of auxiliary services to residents, such as meal and housekeeping service, transportation, ambulatory service, and attendant care including, but not limited to, bathing and other acts

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related to personal hygiene, dressing, shopping, food preparation, monitoring of medication, and laundry services.

(c) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of ~~((his or her))~~ the person's spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or ~~((his or her))~~ the person's spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year because of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(d) "Complete and separate dwelling units" means that the individual units of a home contain complete facilities for living, sleeping, cooking, and sanitation.

(e) "Construction" means the actual construction or building of all or a portion of a home that did not exist prior to the construction.

(f) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(g) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(h) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(i) "Disposable income" means adjusted gross income as defined in the federal Internal Revenue Code, as amended prior to January 1, 1994, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal Internal Revenue Code, or))~~ gain excluded from income under section 121 of the federal Internal Revenue Code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal Social Security Act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(j) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as ~~((a))~~ their principal place of residence as of December 31st of the assessment year the home first became operational or in each subsequent year, occupied the dwelling unit as their principal place of residence as of January 1st of the assessment year ((in which the claim for exemption is filed. The exemption will not be nullified if the)). If an eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both, the dwelling will still be considered occupied by the eligible resident;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by the federal Department of Housing and Urban Development (HUD) for the county in which the person resides and in effect as of January 1 of the year the application for exemption is submitted.

(k) "First assessment year the home becomes operational" or "the assessment year the home first became operational" means the first year the home becomes occupied by and provides services to eligible residents. Depending upon the facts, this year will be the year during which construction of the home is completed or the year during which a nonprofit organization purchases or acquires an existing home and begins to operate it as a nonprofit home for the aging.

(l) "Home for the aging" or "home" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

~~((H))~~ (m) "HUD" means the federal Department of Housing and Urban Development.

~~((M))~~ (n) "Local median income" means the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in

effect on January 1st of the year the application for exemption is submitted.

~~((m))~~ (o) "Low income" means that the combined disposable income of a resident is eighty percent or less of the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in effect as of January 1st of the year the application for exemption is submitted.

~~((n))~~ (p) "Occupied dwelling unit" means a living unit that is occupied either on January 1st of the year ~~((m))~~ for which the ~~((e))~~ application for exemption is ~~((f))~~ made or on December 31st of the assessment year the home first becomes operational and for which application for exemption is made.

~~((p))~~ (q) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.

~~((q))~~ (r) "Refinancing" means the discharge of an existing debt with funds obtained through the creation of new debt. For purposes of this section, even if the application for tax exempt bond financing to refinance existing debt is treated by the financing agent as something other than refinancing, an application for a property tax exemption because of refinancing by tax exempt bonds will be treated as refinancing and the set-asides specific to refinancing will be applied. "Refinancing" shall include tax exempt bond financing in excess of the amount of existing debt that is obtained to modify, improve, restore, extend, or enlarge a facility currently being operated as a home.

~~((r))~~ (s) "Rehabilitation" means that an existing building or structure, not currently used as a home, will be modified, improved, restored, extended, or enlarged so that it ~~((w))~~ can be used as a home for elderly and disabled individuals. A project will be considered a rehabilitation if the costs of rehabilitation exceed five thousand dollars. If a home has acquired tax exempt bond financing and does not meet the definition of "rehabilitation" contained in this subsection, the home may be eligible for a total exemption under the "refinancing" definition and if it meets the "refinancing" set-aside requirements. If such a home is not eligible for a total exemption, the department will determine the home's eligibility for a partial exemption in accordance with the pertinent parts of RCW 84.36.041 and this section.

~~((s))~~ (t) "Set-aside(s)" means the percentage of dwelling units reserved for low-income residents when the construction, rehabilitation, acquisition, or refinancing of a home is financed under a financing program using tax exempt bonds.

~~((t))~~ (u) "Shared dwelling units" or "shared units" means individual dwelling units of a home that do not contain complete facilities for living, eating, cooking, and sanitation.

~~((u))~~ (v) "Taxable value" means the value of the home upon which the tax rate is applied in order to determine the amount of property taxes due.

~~((v))~~ (w) "Total amount financed" means the total amount of financing required by the home to fund construction, acquisition, rehabilitation, or refinancing. Seventy-five percent of this amount must be supplied by tax exempt bonds

to receive the total exemption from property tax available under the tax exempt bond financing provision of RCW 84.36.041.

(3) **General requirements.** To be exempt under this section, a home for the aging must be:

(a) Exclusively used for the purposes for which exemption is granted, except as provided in RCW 84.36.805;

(b) Operated by an organization that is exempt from income tax under section 501(c) of the federal Internal Revenue Code; and

(c) The benefit of the exemption must inure to the home.

(4) **Total exemption.** There are three ways in which a home may be totally exempt from property tax. All real and personal property used by a nonprofit home that is reasonably necessary for the purposes of the home is exempt if it meets the general requirements listed in subsection (3) of this section and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents;

(b) The home is subsidized under a HUD program; or

(c) The construction, rehabilitation, acquisition, or refinancing of a home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses tax exempt bonds and the financing program requires the home to reserve or set-aside a percentage of all dwelling units so financed for low-income residents. See subsections (5), (6), and (7) of this section for tax exempt bond requirements and the percentage of units that must be set-aside for low-income residents in order for the home to be totally exempt.

(5) **Homes or CCRCs financed by tax exempt bonds—Generally.** All real and personal property used by a nonprofit home or CCRC may be totally exempt from property tax if at least seventy-five percent of the total amount financed for construction, rehabilitation, acquisition, or refinancing uses tax exempt bonds and the financing program requires the home or CCRC to reserve or set-aside a percentage of all dwelling units so financed for low-income residents.

(a) The percentage of set-aside units required will vary depending on whether the home is a CCRC, the purpose for which the tax exempt bond financing was obtained, the type of dwelling unit, and the receipt of Medicaid funds. The set-aside requirements for homes are set forth in subsection (6) of this section and for CCRCs are set forth in subsection (7) of this section.

(b) The exemption will be granted in direct correlation ~~((between))~~ to the total amount financed by tax exempt bonds and the portion of the home or CCRC that is constructed, acquired, rehabilitated, or refinanced by tax exempt bonds.

(c) If tax exempt bonds are used for refinancing, the set-aside requirements set forth in subsections (6) and (7) of this section will be applied to the actual area or portion of the home or CCRC to which the bonds correspond.

(i) Example 1. A CCRC (that accepts Medicaid funds) is composed of a multistory building, six duplexes, and two independent homes and the CCRC has secured tax exempt bonds to satisfy an existing mortgage on the multistory building. Only the multistory building will be considered eligible

for a total exemption from property tax because of tax exempt bond financing. To receive the exemption, at least twenty percent of the dwelling units of the multistory building must be set-aside for residents at or below fifty percent of the local median income or at least forty percent of the dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(ii) Example 2. A home obtains tax exempt bonds to refinance a portion of the home and to fund construction. The department will separately consider the area of the home that corresponds to the purpose for which the tax exempt bonds were obtained. The set-aside requirements related to refinancing will be applied to the portion of the home that corresponds to the mortgage being refinanced and the set-aside requirements related to construction will be applied to the area of the home to be newly constructed. The department will determine the eligibility for partial exemption of the remainder of the home that is not being refinanced or constructed.

(d) If a total exemption is granted under the tax exempt bond financing provision, the total exemption will remain in effect as long as:

- (i) The home or CCRC remains in compliance with the requirements under which it received the tax exempt bonds;
- (ii) The tax exempt bonds are outstanding; and
- (iii) The set-aside requirements are met.

(e) If a home or CCRC has obtained tax exempt bond financing to modify, improve, restore, extend, or enlarge its existing facility and the project does not meet the definition of rehabilitation contained in subsection (2) of this section, the project will not be considered a rehabilitation ~~((and))~~. In this situation, the set-aside requirements related to refinancing or acquisition will be applied in determining eligibility for a total exemption.

(f) When a home or CCRC no longer meets the criteria for exemption under the tax exempt bond financing portion of the statute, eligibility for exemption under RCW 84.34.041 will be determined by the other provisions of the statute. In other words, a home may receive a total or partial exemption depending on the number of residents who are deemed to be "eligible residents" or who require "assistance with activities of daily living." For example, if a home that previously received a total exemption due to the receipt of tax exempt bond financing has one hundred dwelling units and sixty of those dwelling units are occupied by eligible residents, the home may receive a total exemption.

(6) **Set-aside requirements related to homes and tax exempt bond financing.** A specified number of dwelling units within a home must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for homes will be determined according to the type of dwelling units contained in the home and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to CCRCs. The specific set-aside requirements for CCRCs are described in subsection (7) of this section.

A home must meet the following set-aside requirements to be totally exempt from property tax:

PURPOSE OF BOND FINANCING	TYPE OF DWELLING UNIT	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	Complete & Separate units	10% of total units set-aside for residents at or below 80% of local median income <b>and</b> 10% of total units set-aside for residents at or below 50% of local median income
Acquisition or Refinancing of dwelling units <b>currently satisfying</b> 10% and 10% set-aside requirements	Complete & Separate units	10% of total units set-aside for residents at or below 80% of local median income <b>and</b> 10% of total units set-aside for residents at or below 50% of local median income
Acquisition or Refinancing of dwelling units <b>not currently satisfying</b> 10% and 10% set-aside requirements	Complete & Separate units	20% of total units set-aside for residents at or below 50% of local median income <b>or</b> 40% of total units set-aside for residents at or below 60% of local median income
Acquisition, New Construction, Refinancing, or Rehabilitation	Shared units	10% of total units set-aside for residents at or below 80% of local median income <b>and</b> 10% of total units set-aside for residents at or below 50% of local median income

(7) **Set-aside requirements related to CCRCs and tax exempt bond financing.** A specified number of dwelling units of a CCRC must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for CCRCs will be determined by whether the CCRC does or does not have Medicaid contracts for continuing care contract

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residents and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to other homes. The specific set-aside requirements for other homes are described in subsection (6) of this section.

(a) The continuing care contract between the resident and the CCRC is a contract to provide shelter along with nursing, medical, health-related or personal care services to the resident for the duration of the resident's life or for a term in excess of one year. A resident's tenancy may not be terminated due to inability of the resident to fully pay the monthly service fee when the resident establishes facts to justify a waiver or reduction of these charges. This provision shall not apply if the resident, without the CCRC's consent, has impaired his and/or her ability to meet financial obligations required by the continuing care contract due to a transfer of assets, after signing the continuing care contract, other than to meet ordinary and customary living expenses, or by incurring unusual or unnecessary new financial obligations.

(b) A CCRC without Medicaid contracts for continuing care contract residents may not receive Medicaid funds from Washington state or the federal government during the term that the bonds are outstanding, except during the initial transition period as allowed by state law or if the regulatory agreement with the tax exempt bond financier exempts the CCRC from compliance with this requirement.

(c) The following set-aside requirements must be met by CCRCs not receiving Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) to receive a total exemption:

PURPOSE OF BOND FINANCING	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	10% of total units set-aside for residents at or below 80% of local median income and 15% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units <b>currently satisfying</b> 10% and 15% set-aside requirements	10% of total units set-aside for residents at or below 80% of local median income and 15% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units <b>not currently satisfying</b> 10% and 15% set-aside requirements	20% of total units set-aside for residents at or below 50% of local median income or 40% of total units set-aside for residents at or below 60% of local median income

(d) The following set-aside requirements must be met by CCRCs receiving Medicaid funds to receive a total exemption:

PURPOSE OF BOND FINANCING	SET-ASIDE REQUIREMENTS
New construction or Rehabilitation	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units <b>currently satisfying</b> 10% and 10% set-aside requirements	10% of total units set-aside for residents at or below 80% of local median income and 10% of total units set-aside for residents at or below 100% of local median income
Acquisition or Refinancing of dwelling units <b>not currently satisfying</b> 10% and 10% set-aside requirements	20% of total units set-aside for residents at or below 50% of local median income or 40% of total units set-aside for residents at or below 60% of local median income

(8) **Partial exemption.** If a home does not qualify for a total exemption from property tax, the home may receive a partial exemption for its real property on a unit by unit basis and a total exemption for its personal property.

(a) Real property exemption. If the real property of a home is used in the following ways, the portion of the real property so used will be exempt and the home may receive a partial exemption for:

- (i) Each dwelling unit occupied by a resident requiring significant assistance with activities of daily living;
- (ii) Each dwelling unit occupied by an eligible resident; and
- (iii) Common or shared areas of the home that are jointly used for two or more purposes that are exempt from property tax under chapter 84.36 RCW.

(b) Assistance with activities of daily living. A home may receive a partial exemption for each dwelling unit that is occupied by a resident who requires significant assistance with the activities of daily living and the home provides, brokers, facilitates, or contracts for the provision of this assistance. A resident requiring assistance with the activities of daily living must be a resident who requires significant assistance with at least three of the nonexclusive list of activities set forth below and who, unless (~~he or she~~) the resident receives the assistance, would be at risk of being placed in a nursing home. Activities of daily living include, but are not limited to:

- (i) Shopping;
- (ii) Meal and/or food preparation;
- (iii) Housekeeping;
- (iv) Transportation;
- (v) Dressing;
- (vi) Bathing;

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- (vii) General personal hygiene;
  - (viii) Monitoring of medication;
  - (ix) Ambulatory services;
  - (x) Laundry services;
  - (xi) Incontinence management; and
  - (xii) Cuing for the cognitively impaired.
- (c) Examples of assistance with the activities of daily living:

(i) If the resident of a home requires ~~((someone to assist him or her))~~ assistance with daily dressing, bathing, and personal hygiene, weekly housekeeping chores, and daily meal preparation, ~~((he or she))~~ the person is a resident requiring significant assistance with activities of daily living and the home may receive a partial exemption for the dwelling unit in which ~~((he or she))~~ the person resides.

(ii) If the resident of a CCRC only requires someone to clean ~~((his or her))~~ the house weekly and to do the laundry weekly, the resident does not require significant assistance with activities of daily living and the CCRC may not receive a partial exemption for the dwelling unit.

(d) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a partial property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(e) Amount of partial exemption. The amount of partial exemption will be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, minus/less the assessed value of any common or shared areas, by a fraction. The numerator and denominator of the fraction will vary depending on the first assessment year the home became operational and occupied by eligible residents.

(i) Numerator. If the home becomes operational after the January 1st assessment date, the numerator is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living on December 31st. The December 31st date will be used only in the first year of operation. In any other assessment year, the numerator ((of the fraction)) is the number of the dwelling units occupied on January 1st of the assessment year by eligible residents and by residents requiring assistance with activities of daily living.

(ii) Denominator. If the home becomes operational after the January 1st assessment date, the denominator is the num-

ber of dwelling units occupied on December 31st. The December 31st date will be used only in the first assessment year the home becomes operational. In any other assessment year, the denominator ((of the fraction)) is the total number of occupied dwelling units as of January 1st of the assessment year.

(iii) Example:

Assessed value of home:	\$500,000
Less assessed value of common area:	- 80,000
Total	\$420,000

Number of units occupied on 1/1 by eligible residents and people requiring assistance with daily living activities	6
Total of occupied units on 1/1	= 40 or 15

$\$420,000 \times .15 = \$63,000$  Amount of partial exemption  
 $\$420,000 - \$63,000 = \$357,000$  Taxable value of home

(f) Valuation of the home. The assessor will value a home that receives a partial exemption by considering only the current use of the property during the period in which the partial exemption is received and will not consider any potential use of the property.

**(9) Income verification required from some residents.**

If a home seeks a total property tax exemption because at least fifty percent of the occupied dwelling units are occupied by eligible residents or seeks to receive a partial exemption based upon the number of units occupied by eligible residents, the residents must submit income verification forms. The department may request income verification forms from residents of homes receiving a total exemption because of tax exempt bond financing.

(a) The income verification forms must be submitted to the assessor of the county in which the home is located by July 1st of the assessment year in which the application for exemption is made. If the home becomes operational after the January 1st assessment date, these forms must be submitted to the assessor as soon as they are available but no later than December 31st of that assessment year.

(b) The income verification form will be prescribed and furnished by the department of revenue.

(c) If an eligible resident filed an income verification form for a previous year, ~~((he or she))~~ the resident is not required to submit a new form unless there is a change in status affecting the resident's eligibility, such as a significant increase or decrease in disposable income, or the assessor or the department requests a new income verification form to be submitted.

(10) **Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-020 and 458-16-165. WAC 458-16A-020 contains information regarding the initial application and renewal procedures relating to the exemption discussed in this section. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

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**AMENDATORY SECTION** (Amending WSR 95-06-042, filed 2/24/95, effective 3/27/95)

**WAC 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.** (1) **Introduction.** This section explains the initial application process that must be followed ~~((for))~~ when a home for the aging wishes to obtain a property tax exemption under RCW 84.36.041. This section also describes the annual renewal requirements that a home must follow to retain its tax exempt status, as well as the role of the assessor's office and the department of revenue in administering this exemption. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Assessor" means the county assessor or any agency or person who is duly authorized to act on behalf of the assessor.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of ~~((his or her))~~ the person's spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or ~~((his or her))~~ the person's spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(c) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(d) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(e) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(f) "Department" means the department of revenue.

(g) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as ~~((his or her))~~ their principal place of residence as of December 31st of the assessment year the home first became operational or in each subsequent year, occupied the dwelling unit as their principal place of residence as of January 1st of the assessment year ~~((in which the claim for exemption is filed. The exemption will continue if the))~~. If an eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both, the dwelling will still be considered occupied by the eligible resident;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by federal Department of Housing and Urban Development (HUD) for the county in which the person resides.

(h) "First assessment year the home becomes operational" or "the assessment year the home first became operational" means the first year the home becomes occupied by and provides services to eligible residents. Depending upon the facts, this year will be the year during which construction of the home is completed or the year during which a nonprofit organization purchases or acquires an existing home and begins to operate it as a nonprofit home for the aging.

(i) "Homes for the aging" or "home(s)" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

~~((+))~~ (j) "HUD" means the federal Department of Housing and Urban Development.

~~((+))~~ (k) "Occupied dwelling unit" means a living unit that is occupied either on January 1st of the year in which the claim for exemption is filed or on December 31st of the first assessment year the home becomes operational and in which the claim for exemption is filed.

~~((+))~~ (l) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.



(3) **Application for exemption.** The tax exemption authorized by RCW 84.36.041 is claimed by and benefits a nonprofit home for the aging, not the residents of ~~((a))~~ the home. Therefore, the claim for this exemption is submitted by a home to the department.

(a) If a claim for exemption is filed on behalf of a home under RCW 84.36.041 and the exemption is granted, no resident of that home may receive a personal exemption under RCW 84.36.381.

(b) A listing of the varying levels of care and supervision provided or coordinated by the home must accompany all initial applications submitted for exemption. Examples of the varying levels of care and supervision include, but are not limited to, the following:

- (i) Conducting routine room checks;
- (ii) Arranging for or providing transportation;
- (iii) Arranging for or providing meals;
- (iv) On site medical personnel;
- (v) Monitoring of medication; or
- (vi) Housekeeping services.

(c) Homes having real property that is used for purposes other than as a home (for example, property used for a barber shop) must provide the department with a floor plan identifying the square footage devoted to each exempt and nonexempt use.

(d) At the time an application for exemption is submitted, the home must submit proof that it is recognized by the Internal Revenue Service as a 501(c) organization.

(e) Homes that apply for a total exemption because of tax exempt bond financing must submit a copy of the regulatory agreement between the home and the entity that issues the bonds. When only a portion of the home is financed by a program using tax exempt bonds, the home must submit a site plan of the home indicating the areas so financed.

(4) **Segregation.** A nonprofit organization that provides shelter and services to elderly and disabled individuals may use the facility for more than one purpose that is exempt from property tax under chapter 84.36 RCW. Property that is used for more than one exempt purpose and that qualifies for exemption under a statute other than RCW 84.36.041 will be segregated and exempted pursuant to the applicable statute.

(a) If a home includes a nursing home, the department will segregate the home and the part of the facility that is used as a nursing home. The department will separately determine the eligibility of the home under RCW 84.36.041 and the nursing home under RCW 84.36.040 for the property tax exemption available under each statute.

Exception: If the home does not receive Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) and is seeking a total exemption because of tax exempt bond financing, the home and nursing home will be considered as a whole when the set-aside requirements are applied.

(b) Dwelling units that are occupied by residents who do not meet the age or disability requirements of RCW 84.36.041 will be segregated and taxed.

(c) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property

tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(5) **Homes subsidized by HUD.** Homes subsidized by a HUD program must initially and each March 31st thereafter provide the department with a letter of certification from HUD of continued HUD subsidy and a list of the name, age, and/or disability of all residents. If the property is subsidized by more than one HUD contract and one of the contracts expires or is otherwise no longer in effect, the eligibility of the portion of the facility still subsidized by HUD will be conditioned on receipt of a letter of certification from HUD and a listing of all persons residing on the property. The eligibility of the remainder of the property will be determined by the number of dwelling units occupied by eligible residents on January 1st following the expiration or cancellation of the HUD subsidy.

(6) **Homes that are not subsidized by HUD.** If a home is not subsidized by HUD or does not meet the requirements to receive a total exemption because of tax exempt bond financing, it may receive a total or partial exemption from property tax. The extent of the exemption will be determined by the number of dwelling units occupied by eligible residents. If more than fifty percent of the dwelling units are occupied by eligible residents, the home may receive a total exemption. Alternatively, if less than fifty percent of the dwelling units are occupied by eligible residents, the home may receive partial exemption for its real property on a unit by unit basis and a total exemption for its personal property. An income verification form (~~(Form REV 64-0043,))~~) will be used to determine if a resident of a home meets the criteria of "eligible resident." During the initial application process, the residents of a home applying for exemption will be asked to submit an income verification form with the assessor of the county in which the home is located and the assessor and/or the department may request any relevant information deemed necessary to make a determination.

(a) ~~((Between January 1st and July 1st of the year preceding the year in which the tax is due, residents must file Form REV 64-0043 with the assessor of the county in which the home is located.))~~ The type of income verification form required and its due date depends upon the date the home first became operational and began to provide services to eligible residents:

(i) If the home was operating and providing services to eligible residents on the January 1st assessment date, the residents are to submit Form REV 64-0043 between January 1st and July 1st of the year preceding the year in which the tax is due; or

(ii) If the home started operating and providing services to eligible residents after the January 1st assessment date, the residents are to submit Form REV 64-0042 on or before December 31st of the year preceding the year in which the tax is due. In this situation, no income verification forms will be required during the following year if the same eligible residents occupy the same dwelling units on December 31st and January 1st of the subsequent year.

(b) If two or more residents occupy one unit, only one cotenant is required to file verification of combined disposable income, as defined in subsection (2) of this section, with the assessor.

(c) Form REV 64-0043 will not be accepted by the assessor if it is submitted or postmarked after July 1st unless the assessor and/or the department has agreed to waive this deadline. Form REV 64-0042 will not be accepted if it is submitted or postmarked after December 31st unless the assessor and/or department agrees to waive this deadline.

(d) After the application for exemption is approved, residents will not be required to file a new income verification form unless a change in their circumstances occurs or the assessor requests it. However, at any time after the initial application (for exemption) is approved, assessors and/or the department may:

(i) Request residents to complete Form REV 64-0043(~~(; the verification of income form)~~);

(ii) Conduct audits; and

(iii) Request other relevant information to ensure continued eligibility.

(e) ~~(H)~~ By March 31st each year, a home not subsidized by HUD that wishes to retain its exempt property tax status(~~(; the home)~~) must (~~(by March 31st of each year)~~) file with the department a list of the total number of dwelling units in (~~(their)~~) its complex, the number of occupied dwelling units in (~~(their)~~) its complex as of January 1st, the number of previously qualified dwelling units in (~~(their)~~) its complex that are no longer occupied by the same eligible residents, and a list of the name, age, and/or disability of all residents and the date upon which they moved into or occupied the home. If a home's eligibility was based upon the number of units occupied on December 31st, the home must only provide the department with an amended list of additions or deletions as of the subsequent January 1st assessment date.

(7) **Homes financed by tax exempt bonds.** Homes that receive a total property tax exemption because of tax exempt bond financing must initially and each March 31st thereafter provide the department with a letter of certification from the agency or organization monitoring compliance with the bond requirements. The letter of certification must verify that the home is in full compliance with all requirements and set-asides of the underlying regulatory agreement.

(a) If the set-aside requirements contained in the regulatory agreement differ from the set-aside requirements established by the department and set forth in WAC 458-16A-010,

the department may require the residents of the home to submit income verification forms (Form REV 64-0042 or 64-0043) to the assessor of the county in which the home is located.

~~(b) ((The))~~ A home for the aging that is receiving a property tax exemption must ~~((also))~~ annually submit a list of the name, age, and/or disability of all residents in the home to the department.

(8) **Assessor's responsibilities.** Assessors will determine the age or disability and income eligibility of all residents who file Form REV 64-0042 or 64-0043, the income verification forms. By July 15th each year or by January 15th of the assessment year following the first assessment year a home becomes operational, the assessor will forward a copy of Form REV 64-0042 or 64-0043 to the department for each resident who meets the eligibility requirements.

~~(9) ((Department of revenue responsibilities. The department will make its determination by August 31st, or within thirty days of the date all required information is submitted to the department, of the exempt status of a home that applies for this exemption.~~

~~(10))~~ **Appeals.** An applicant who is determined not to be an "eligible resident" by the assessor and a home that is denied a property tax exemption by the department each have the right to appeal. Appeals must be filed within thirty days of the date the notice of ineligibility or denial was mailed by the assessor or the department.

(a) If the assessor determines that an applicant does not meet the ~~((criteria to be))~~ definition of an "eligible resident" ~~((of a home))~~, the resident may appeal this decision to the board of equalization of the county in which the home is located.

(b) If the department denies, in whole or in part, an application for exemption, the home may appeal this denial to the state board of tax appeals.

~~((11))~~ **(10) Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-010 and 458-16-165. WAC 458-16A-010 contains information regarding the basic eligibility requirements to receive a total or partial exemption under RCW 84.36.041. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

WSR 00-09-087

PERMANENT RULES

GAMBLING COMMISSION

[Order 383-A—Filed April 18, 2000, 4:24 p.m.]

Date of Adoption: April 14, 2000.

Purpose: To implement legislation that passed in 1996 (SSB 6430) and 1997 (SSB 5560) card rooms to offer the following; increased number of tables, alternative collection of fees, jackpot schemes and house banked card games. These rules set forth the regulatory and licensing requirements for card rooms to offer these activities.

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-40-125.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 00-05-101 on February 16, 2000, with a publication of March 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: THIS FILING IS TO CORRECT A TYPING ERROR ON WAC 230-40-125. Language was read into the record and adopted by the commission on April 14, 2000, stating that businesses that are licensed and operating Washington Blackjack **ON** April 1, 2000, could continue to operate the game. However, an incorrect version of the amended language was filed on April 14, 2000, stating that businesses operating the game **PRIOR TO** April 1, 2000, could continue to offer it. This CR-103 filing corrects the language in WAC 230-40-125 and reflects that the commission desires that only businesses that are operating Washington Blackjack **ON** April 1, 2000, shall be allowed to continue to offer the game. Furthermore, the commission reduced the amount allowed for a bank from \$500 to \$250.

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 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 18, 2000

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 374, filed 6/15/99, effective 8/1/99)

**WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits.** Washington blackjack shall not be allowed unless a business is licensed and operating the game on April 1, 2000.

(1) Fees to play Washington blackjack shall only be assessed on a time basis and collected using the direct method as defined in WAC 230-40-050. Washington blackjack is a nonhouse banking card game permitted in Class A and E card rooms. Washington blackjack shall be played in the following manner:

(2) No more than two standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only as follows: Ace equal 1 or 11; face cards (King, Queen, Jack) equal 10 each; others according to their spots, 10 to 2. The number of decks used shall be established by

house rule. The cards shall be dealt from a shoe at all times. The game is played with a player who deals the cards and banks the game (dealer/banker).

(3) When starting a new table the cards are cut to determine who the first banker will be. The dealer/banker shall announce the amount of money that he or she will put into the bank. If a minimum bank is established as per individual house rule, it shall not exceed ((five)) two hundred fifty dollars.

(4) Once the bank has been established, the player to the immediate left of the dealer/banker places his/her wager on the bet line and the dealer/banker covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer/banker. The maximum and minimum wager may be set by house rule but in no event shall the maximum wager exceed twenty-five dollars. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand.

(5) The play begins with the dealer/banker dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. A player may be dealt more than one hand by house rule. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects one and one-half times the amount of their bet from the dealer/banker, unless the dealer/banker also has a natural which results in a tie (push). All ties result in the players and the dealer/banker recovering their wagers.

(6) If the dealer/banker's face-up card is a ten, face card or ace, he/she shall look at the face-down card to see if he/she has a natural; if the face-up card is anything else, he/she may not look at the face-down card until his/her turn to draw. If the dealer/banker has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer/banker does not have a "natural," he/she pays off any player with a "natural" starting with the first one to the left of the dealer/banker. Should the dealer/banker not have enough money in the bank to make up the one and one-half for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer/banker cannot cover the one and one-half for one, the player shall get the amount of wager that was covered by the dealer.

(7) If the dealer/banker's face-up card is an ace, the licensee, by house rule, may allow the player banking the game to offer an "insurance" bet against losing to the dealer/banker's possible "natural." The dealer/banker, before looking at his down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half his/her present wager on his/her own hand. When this bet is made, the dealer/banker looks at his/her down card. If it is a 10 count, the dealer/banker turns it face up and announces a "natural." The insurance bettor is paid off at a rate of 2 to 1 and, unless they have a "natural," lose their original wager. If the dealer/banker's down card is not a 10 count card, the player loses his/her insurance bet and continues playing on their original wager.

(8) If the dealer/banker does not have a "natural," play continues with the player on the dealer/banker's immediate left. The dealer/banker deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If the player wants more cards, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer/banker collects the bet. The dealer/banker does the same with each remaining player. Any player who stands must wait while the dealer/banker draws his or her cards. If the dealer/banker goes bust, each standing player is paid the amount of their wager. If the dealer/banker "stands," the down card is turned up and players whose totals are higher than the dealer/banker's are paid. The dealer/banker collects from any player whose total is less. Action is always to the left of the dealer/banker. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer/banker from losing wagers the dealer/banker collects.

(9) Should the dealer/banker not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer/banker shall announce the amount of the bank and shuffle the cards. The same shall apply if the dealer/banker has no money in the bank. The dealer/banker may, if allowed by house rule, add to their bank in between hands.

(10) Upon completion of the shuffle, the player to the right of the dealer/banker shall cut the cards. After the cards have been placed into the shoe the dealer/banker shall insert a blank card approximately three quarters of the way through the deck(s). A dealer/banker may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer/banker may continue dealing that hand, but will not start a new hand. The player on the dealer/banker's immediate left shall be offered the opportunity to be the next dealer/banker. The discards may only be reshuffled to complete the last hand.

(11) Once wagers are placed and covered on the bet line, no player, including the dealer/banker, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(12) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(13) No player may "buy" the bank. The deal must pass around the table to the left and no person can authorize another person to deal for him or her. No player may be the banker for more than one consecutive shoe before passing the bank. A new player entering the game may not participate as the dealer/banker until at least two other players have dealt. If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer/banker. A dealer/banker may, after completing one full hand, pass the deal and be able to participate in the next hand.

(14) The dealer/banker must stand on seventeen or above and must take hits on sixteen or below. If a dealer/banker has

an ace, it shall be counted as eleven if it brings his or her total to seventeen or more (but not over twenty-one). Provided, That the licensee, by house rule, may allow play of a "soft seventeen," which occurs when the dealer/banker's first two cards are an ace valued at eleven and a six. If the licensee elects to play a soft seventeen, house rules must specify that the dealer/banker must hit a soft seventeen, and must stand on a hard seventeen and any eighteen or above. House blackjack rules must be posted in plain view to the players and the house must ensure they are consistently followed.

(15) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(16) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. If the dealer/banker does not have enough in their bank to cover the doubled bet, the dealer/banker must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer/banker has no bank then the player may divide their wager in any manner between the two hands, unless the player's original bet was a minimum allowed in that game then they may not split their pair. Additional splits shall be determined by house rule.

(17) The dealer/banker will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

**WSR 00-09-088**  
**PERMANENT RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed April 18, 2000, 4:24 p.m.]

Date of Adoption: April 18, 2000.

Purpose: Establish state paydates for calendar year 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 00-05-016 on February 7, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 42.16.010 requires that state paydates be established six months prior to calendar year end.

Effective Date of Rule: Thirty-one days after filing.  
 April 18, 2000  
 Lynne McGuire  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-12-081, filed 5/28/99, effective 6/28/99)

**WAC 82-50-021 Official lagged, semimonthly pay dates established.** Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years (~~(1999 and 2000)~~) 2000 and 2001:

<del>((CALENDAR YEAR 1999</del>	<u>CALENDAR YEAR 2000</u>
<del>Monday, January 11, 1999</del>	<u>Monday, January 10, 2000</u>
<del>Monday, January 25, 1999</del>	<u>Tuesday, January 25, 2000</u>
<del>Wednesday, February 10, 1999</del>	<u>Thursday, February 10, 2000</u>
<del>Thursday, February 25, 1999</del>	<u>Friday, February 25, 2000</u>
<del>Wednesday, March 10, 1999</del>	<u>Friday, March 10, 2000</u>
<del>Thursday, March 25, 1999</del>	<u>Friday, March 24, 2000</u>
<del>Friday, April 9, 1999</del>	<u>Monday, April 10, 2000</u>
<del>Monday, April 26, 1999</del>	<u>Tuesday, April 25, 2000</u>
<del>Monday, May 10, 1999</del>	<u>Wednesday, May 10, 2000</u>
<del>Tuesday, May 25, 1999</del>	<u>Thursday, May 25, 2000</u>
<del>Thursday, June 10, 1999</del>	<u>Friday, June 9, 2000</u>
<del>Friday, June 25, 1999</del>	<u>Monday, June 26, 2000</u>
<del>Friday, July 9, 1999</del>	<u>Monday, July 10, 2000</u>
<del>Monday, July 26, 1999</del>	<u>Tuesday, July 25, 2000</u>
<del>Tuesday, August 10, 1999</del>	<u>Thursday, August 10, 2000</u>
<del>Wednesday, August 25, 1999</del>	<u>Friday, August 25, 2000</u>
<del>Friday, September 10, 1999</del>	<u>Monday, September 11, 2000</u>
<del>Friday, September 24, 1999</del>	<u>Monday, September 25, 2000</u>
<del>Friday, October 8, 1999</del>	<u>Tuesday, October 10, 2000</u>
<del>Monday, October 25, 1999</del>	<u>Wednesday, October 25, 2000</u>
<del>Wednesday, November 10, 1999</del>	<u>Thursday, November 9, 2000</u>
<del>Wednesday, November 24, 1999</del>	<u>Wednesday, November 22, 2000</u>
<del>Friday, December 10, 1999</del>	<u>Monday, December 11, 2000</u>
<del>Thursday, December 23, 1999</del>	<u>Friday, December 22, 2000</u> )

<u>CALENDAR YEAR 2000</u>	<u>CALENDAR YEAR 2001</u>
<u>Monday, January 10, 2000</u>	<u>Wednesday, January 10, 2001</u>
<u>Tuesday, January 25, 2000</u>	<u>Thursday, January 25, 2001</u>

<u>CALENDAR YEAR 2000</u>	<u>CALENDAR YEAR 2001</u>
<u>Thursday, February 10, 2000</u>	<u>Friday, February 9, 2001</u>
<u>Friday, February 25, 2000</u>	<u>Monday, February 26, 2001</u>
<u>Friday, March 10, 2000</u>	<u>Friday, March 9, 2001</u>
<u>Friday, March 24, 2000</u>	<u>Monday, March 26, 2001</u>
<u>Monday, April 10, 2000</u>	<u>Tuesday, April 10, 2001</u>
<u>Tuesday, April 25, 2000</u>	<u>Wednesday, April 25, 2001</u>
<u>Wednesday, May 10, 2000</u>	<u>Thursday, May 10, 2001</u>
<u>Thursday, May 25, 2000</u>	<u>Friday, May 25, 2001</u>
<u>Friday, June 9, 2000</u>	<u>Monday, June 11, 2001</u>
<u>Monday, June 26, 2000</u>	<u>Monday, June 25, 2001</u>
<u>Monday, July 10, 2000</u>	<u>Tuesday, July 10, 2001</u>
<u>Tuesday, July 25, 2000</u>	<u>Wednesday, July 25, 2001</u>
<u>Thursday, August 10, 2000</u>	<u>Friday, August 10, 2001</u>
<u>Friday, August 25, 2000</u>	<u>Friday, August 24, 2001</u>
<u>Monday, September 11, 2000</u>	<u>Monday, September 10, 2001</u>
<u>Monday, September 25, 2000</u>	<u>Tuesday, September 25, 2001</u>
<u>Tuesday, October 10, 2000</u>	<u>Wednesday, October 10, 2001</u>
<u>Wednesday, October 25, 2000</u>	<u>Thursday, October 25, 2001</u>
<u>Thursday, November 9, 2000</u>	<u>Friday, November 9, 2001</u>
<u>Wednesday, November 22, 2000</u>	<u>Monday, November 26, 2001</u>
<u>Monday, December 11, 2000</u>	<u>Monday, December 10, 2001</u>
<u>Friday, December 22, 2000</u>	<u>Monday, December 24, 2001</u>

**WSR 00-09-092**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed April 19, 2000, 8:55 a.m.]

Date of Adoption: April 19, 2000.

Purpose: To explain the retail sales tax exemption found in RCW 82.08.0268 for sales to nonresidents of farm machinery and implements. This rule is being revised to reflect the amendment to RCW 82.08.0268 by chapter 167, Laws of 1998, which expanded the retail sales tax exemption. It also removes the sample exemption certificate previously provided in the rule and explains that the exemption may be documented using the multi-use "buyers' retail sales tax exemption certificate."

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-239 Sales to nonresidents of farm machinery or implements.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 00-05-015 on February 7, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

PERMANENT



vided by RCW 82.08.0268. The certificate must be completed in its entirety, and retained by the seller.

A blank certificate can be obtained via the Internet at http://dor.wa.gov, by facsimile by calling Fast Fax at (360) 786-6116 or (800) 647-7706 (using menu options), or by writing to Taxpayer Services, Washington State Department of Revenue, Post Office Box 47478, Olympia, Washington 98504-7478. If, prior to completion of the sale, the seller becomes aware of any information inconsistent with the purchaser's claim of residency, such as a Washington address on a credit application, the seller should not accept an exemption certificate.

WSR 00-09-094
PERMANENT RULES
GROWTH MANAGEMENT
HEARINGS BOARDS

[Filed April 19, 2000, 11:11 a.m.]

Date of Adoption: March 30, 2000.

Purpose: Update and clarify the board's rules of practice and procedure.

Citation of Existing Rules Affected by this Order: New 242-02-255; and amending WAC 242-02-052, 242-02-522, 242-02-832, 242-02-834, 242-04-030, and 242-04-050.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Adopted under notice filed as WSR 00-05-021 on February 8, 2000.

Changes Other than Editing from Proposed to Adopted Version: Deleted code publishing as publisher of board decisions; they no longer publish decisions (publication is on board's website www.gmboards.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 6, 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.

April 11, 2000

E. G. McGuire

Rules Coordinator

Boardmember - CPSGMHB

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-052 Petition for rule making. (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with the ((Eastern board's office in Yakima, Washington)) Central Puget Sound board during the 1999-2001 biennium; the Western Washington board during the 2001-2003 biennium; and the Eastern Washington board during the 2003-2005 biennium.

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH MANAGEMENT HEARINGS
BOARDS
STATE OF WASHINGTON

No.

In the matter of
the Petition of PETITION FOR RULE MAKING
(Name of Petitioner)
for Rule Making

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the ((Eastern)) appropriate board at its office ((in Yakima, Washington)).

NEW SECTION

WAC 242-02-255 Governor certified standing. If the board receives a request for governor certified standing from a petitioner pursuant to RCW 36.70A.280 (2)(c), the board shall immediately forward the petitioner's request to the governor. The board shall indicate the end of the sixty-day time period within which the determination of standing must be made.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

**WAC 242-02-522 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings as directed by a board in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules to:

(1) Inspect the petition for review to determine whether, on its face, compliance with the jurisdictional and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the full board for resolution;

(2) Take appropriate action with respect to the qualifications of the parties or the parties' attorney(s) or other authorized representative(s) to appear before a board;

(3) Administer oaths and affirmations if witnesses are permitted to testify;

(4) Issue subpoenas as provided in RCW 34.05.446;

(5) Rule on all procedural matters, objections and motions unless a board determination is required;

(6) Rule on all evidentiary matters including offers of proof;

(7) When applicable, question witnesses called by the parties in an impartial manner as needed to develop any facts deemed necessary to fairly and adequately decide the issue;

(8) Issue orders joining other parties, on motion of any party, when it appears that such other parties may have an interest in, or may be affected by the case;

(9) Consolidate cases for hearing when such consolidation will expedite disposition and avoid duplication of testimony and when consolidation will not unduly prejudice the rights of any party;

(10) Hold conferences for the settlement or amplification of the issues;

(11) Regulate the course of the case;

(12) Encourage the parties to stipulate to the admissibility of documents in advance of a hearing and to rule on issues concerning the content of the record;

(13) Limit the length of a brief or impose format restrictions;

(14) Sign and file certificates of agreement acknowledging receipt of timely, complete, executed agreements for direct review by superior court;

(15) Rule on requests for settlement extensions;

(16) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

~~((16))~~ (17) Take any other action necessary and authorized by these rules, the act, or the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

**WAC 242-02-832 Reconsideration.** (1) After issuance of a final decision any party may file a motion for reconsideration with a board in accordance with subsection (2) of this section. Such motion must be filed within ten days of service of the final decision. The original and three copies of the

motion for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. Within five days of filing the motion for reconsideration, a party may file an answer to the motion for reconsideration without direction or request from the board. A board may require other parties to supply an answer (~~which shall be served in a like manner~~). All answers to motions for reconsideration shall be served on all parties of record.

(2) A motion for reconsideration shall be based on at least one of the following grounds:

(a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;

(b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing; or

(c) Clerical mistakes in the final decision and order.

(3) In response to a ~~((petition))~~ motion for reconsideration, the board may deny the ~~((petition))~~ motion, modify its decision, or reopen the hearing. A ~~((petition))~~ motion is deemed denied unless the board takes action within twenty days of filing ~~((of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (1) of this section))~~ the motion for reconsideration. A board order on a motion for reconsideration is not subject to a motion for reconsideration.

(4) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.

**AMENDATORY SECTION** (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-834 Publication of final decision and orders.** Copies of all final decisions and orders are available from the board that entered the decision and order. ~~((Code Publishing Company, POB 51164, Seattle, WA 98115-1164 is the official publisher of all final decisions and orders entered by the boards. In addition, final decisions and orders are available from CD Law, 1000 2nd Ave., Ste. # 1610, Seattle, WA 98104 and Law BBS, Washington St. Bar Association, 2001 Sixth Ave., Ste. 500, Seattle, WA 98121-2599.))~~ The growth management hearings board website is [www.gmaboard.wa.gov](http://www.gmaboard.wa.gov). Each board posts its decisions within its individual portion of the website and maintains a digest of its decisions.

**AMENDATORY SECTION** (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

**WAC 242-04-030 Description of organization and public meetings.** (1) Each board is an independent agency of the state of Washington, composed of three members appointed by the governor. Each board elects an administrative chairperson from its members at least annually.

(2) The administrative chairpersons constitute the administrative committee of the joint boards. The administrative committee elects an administrative chairperson from its members at least annually.



(3) Regular meetings of each board will be held at its principal office or other designated location at the following times:

- (a) Eastern Washington board - on the first Wednesday of each month at 10:00 a.m.
- (b) Western Washington board - on the second Wednesday of each month at 11:00 a.m.
- (c) Central Puget Sound board - on the ~~((second Thursday))~~ first Monday of each month at 10:00 a.m.
- (4) The joint boards shall meet at least annually at a time and location to be announced.

**AMENDATORY SECTION** (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

**WAC 242-04-050 Communications with each board or the joint boards.** (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth Management Hearings Board  
Suite 818 Larson Building  
6 South 2nd Street  
Yakima, Washington 98901  
(509) 454-7803  
(509) 454-7292 FAX
- (b) Western Washington Growth Management Hearings Board  
905 24th Way S.W. Suite B-2  
P.O. Box 40953  
Olympia, Washington 98504-0953  
(360) 664-8966  
(360) 664-8975 FAX
- (c) Central Puget Sound Growth Management Hearings Board  
Financial Center  
1215 Fourth Avenue, Suite 322  
Seattle, Washington 98161-1001  
(206) 389-2625  
(206) 389-2588 FAX

(2) All communications with the joint boards shall be addressed in care of the ~~((Eastern Washington board))~~ Central Puget Sound board during the 1999-2001 biennium; the Western Washington board during the 2001-2003 biennium; and the Eastern Washington board during the 2003-2005 biennium.



**WSR 00-09-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-44—Filed April 5, 2000, 1:22 p.m., effective April 6, 2000, 12:01 a.m.]

Date of Adoption: April 4, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000C; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2, and a portion of 3. Washington Department of Health has certified clams from these beaches to be safe for human consumption. 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: April 6, 2000, 12:01 a.m.

April 4, 2000

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-56-36000C Razor clams—Areas and seasons** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. April 6 through 11:59 a.m. April 8, 2000, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(2) Effective 12:01 a.m. April 7 through 11:59 a.m. April 8, 2000, razor clam digging is allowed in that portion of

Razor Clam Area 3 that is between the mouth of the Copalis River and the southern boundary of the Quinault Indian Nation. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:00 noon April 8, 2000:

WAC 220-56-36000C      Razor clams—Areas and seasons.

**WSR 00-09-024**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-45—Filed April 12, 2000, 4:07 p.m.]

Date of Adoption: April 11, 2000.

Purpose: Subsistence fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500Z; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable surplus is projected in all hatchery tributaries based on pre-season forecasts. Seasons were discussed with Yakama Indian Nation and Regions 2, 3, and 5. This regulation will conform state and 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: Immediately.

April 11, 2000  
J. P. Koenings  
Director  
by Larry Peck

### NEW SECTION

#### **WAC 220-32-05500Z Columbia River tributaries—**

**Subsistence.** Notwithstanding the provisions of WAC 220-32-055 effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Wind River, White Salmon River, Klickitat River, Yakima River, Icicle River, Drano Lake and Ringold except under the following provisions:

1) The Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open 7 days per week immediately through June 24, 2000. From 200 feet above Shipperd Falls upstream to a marker 30 feet below the mouth of Tye Springs (the outlet stream for Carson National Fish Hatchery) is open 7 days per week from May 29 through June 24, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line.

2) The White Salmon River from the mouth to Condit Dam is open 7 days per week immediately through June 17, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 25 feet of any fish ladder, fishway, or fish bypass pipes. It shall be unlawful to leave a net in fishing position unattended.

3) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway Number 5 (RM2.2) is open noon Tuesdays to 6:00 p.m. Saturdays of each week immediately to June 3, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 25 feet of any fish ladder, fishway, or fish bypass pipes. It shall be unlawful to leave a net in fishing position unattended.

4) The Yakima River from Horn Rapids Dam to Wapato Dam fishing is open from noon Tuesdays to 6:00 p.m. Saturdays of each week from April 18 to July 29, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway, or fish bypass pipes.

5) Ringold. The waters of the Columbia River from a marker approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a marker approximately 1/4 mile downstream of Ringold wasteway outlet are open 7 days per week from May 15 through July 31, 2000 on the hatchery side of the river only. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices.

6) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leaven-

worth is open from 9 p.m. Thursdays through 6 p.m. Saturdays, weekly from May 4 through July 22, 2000. Legal fishing gear are dipnets, and setbag nets. Fishing is not allowed from boats or any other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway, or fish bypass pipes.

7) All other fishing gear and methods, including snagging are unlawful.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2000:

WAC 220-32-05500Z Columbia River tributaries—  
Subsistence

**WSR 00-09-028**  
**EMERGENCY RULES**  
**OFFICE OF THE**  
**SECRETARY OF STATE**

[Filed April 13, 2000, 2:41 p.m.]

Date of Adoption: April 13, 2000.

Purpose: Chapter 434-381 WAC is changed to comply with state law changes to chapter 29.81 RCW adopted during the 1999 legislative session.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-381-010, 434-381-020, 434-381-030, 434-381-040, 434-381-050, 434-381-060, 434-381-070, 434-381-080, 434-381-090, and 434-381-100.

Statutory Authority for Adoption: RCW 29.81.320.

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: [No information supplied by agency.]

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 0, Repealed 10.

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 8, Amended 0, Repealed 10; 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.

April 13, 2000

Donald F. Whiting  
Assistant Secretary of State

#### NEW SECTION

**WAC 434-381-110 Committee contacts.** Every candidate or committee appearing in the state voters pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, and fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

#### NEW SECTION

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29.15.150 or 29.15.160, within three business days after the close of the special filing period or selection by the party.

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to

opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

#### NEW SECTION

**WAC 434-381-130 Size and quality of photographs.** Candidate photographs submitted for inclusion in the voters pamphlet must have been taken within the past five years and should be sized between two and one half inches by three inches and eight by ten inches. The secretary may adjust or crop photos as necessary to fit the publication format.

#### NEW SECTION

**WAC 434-381-140 Restriction on photographs.** No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.

#### NEW SECTION

**WAC 434-381-150 Rejection of photographs.** The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.

(1) The secretary will notify candidates whose photographs are being rejected;

(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;

(3) Replacement photographs must be submitted by the date specified by the secretary.

#### NEW SECTION

**WAC 434-381-160 Listing committee names and contact information.** Committee names and contact information shall be submitted to the secretary of state.

(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;

(2) Each committee member may use up to eight words as a title or identification;

(3) The secretary will make every effort to maintain consistency in form and style for publications;

(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;

(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;

(6) Additional titles or descriptions may be added to reach the maximum title length; and

(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an e-mail, and an Internet address which will not count toward the maximum word allowance.

**NEW SECTION**

**WAC 434-381-170 Statement and argument format.**

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will not count toward the maximum word count set for arguments;

(b) The initial four headings may not exceed fifteen words for each heading;

(c) Additional headings may be used after the initial four headings in an argument, which will count toward the maximum word count of the argument;

(d) Photographs or charts may be used in candidate statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be typeset in a standard font without the use of boldface, italics or underlining;

(b) Headings will be typeset entirely in boldface capital letters.

**NEW SECTION**

**WAC 434-381-180 Editing statements and arguments.** The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that does not exceed the limit within three business days after the deadline for submission of the statement or argument, then the secretary shall modify the statement to fit the limit by removing words or sentences, starting at the end, until the maximum word limit is reached. More words than necessary to achieve the maximum word

limit may be removed by the secretary so that the statement or argument ends in a complete sentence;

(3) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(4) After submission of the statement or argument to the secretary, candidates or committees may only correct obvious errors or inaccuracies discovered in their own proof copy. Changes in content are not allowed.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 434-381-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.
WAC 434-381-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.
WAC 434-381-030	Additional members on committees to draft arguments for the voters pamphlets.
WAC 434-381-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.
WAC 434-381-050	Advisory committees.
WAC 434-381-060	Length of statements and rebuttals.
WAC 434-381-070	Restrictions on the style of statements in the voters pamphlets.
WAC 434-381-080	Submission of statements and rebuttals.
WAC 434-381-090	Rejection of statements for the voters pamphlet.
WAC 434-381-100	Editing of statements for the voters pamphlet.

EMERGENCY

**WSR 00-09-050**  
**EMERGENCY RULES**  
**STATE BOARD FOR COMMUNITY**  
**AND TECHNICAL COLLEGES**

[Filed April 14, 2000, 4:05 p.m.]

Date of Adoption: April 14, 2000.

Purpose: To clarify TIAA/CREF retirement plan eligibility and participation.

Citation of Existing Rules Affected by this Order: Amending chapter 131-16 WAC.

Statutory Authority for Adoption: Chapter 28B.50 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: TIAA/CREF new eligibility threshold approved by the state board effective July 1, 1999, presents possible conflict with PERS statute RCW 41.40.023. The emergency rule revisions (followed by permanent rule adoption) will address potential conflicts.

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; and 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 2, Repealed 0.

Effective Date of Rule: Immediately.

April 14, 2000

Claire C. Krueger

Executive Assistant and  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 99-22-052, filed 10/29/99, effective 11/29/99)

**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, effective July 1, 1999, are assigned a cumulative total of at least 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. (Part-time faculty work-

load 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 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 within the community and technical college system. The community and technical college or state board employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new college or state board employer of his or her eligibility. In no case will there be a requirement for retroactive contributions if an employee fails to inform his or her college or state board employer about eligibility previously established with another community and technical college system employer. For the purposes of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(((4))).

**AMENDATORY SECTION** (Amending WSR 98-14-033, filed 6/23/98, effective 7/24/98)

**WAC 131-16-031 Participation in the plan. (1)** **Except as provided in subsections (2) and (3) of this section,** participation in the TIAA/CREF plan is required of all otherwise eligible new employees: Provided, That any such new

employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose college or state board employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

(2) Employees who establish TIAA/CREF plan eligibility in accordance with WAC 131-16-021 and who, through concurrent employment with another employer, are active Washington public employee retirement system (PERS) members are required to so advise the college or state board employer and shall be given the following options:

(a) To participate in the state board's TIAA/CREF retirement plan in accordance with chapter 131-16 WAC, forgoing active PERS membership (contributions and service credit) with their other employer; or

(b) To continue active participation in PERS based upon their employment with the other public employer; forgoing participation in the state board's TIAA/CREF retirement plan.

Failure to make an election within thirty days of notification results in the employee being placed in the TIAA/CREF plan. The college or state board employer is required to advise the department of retirement systems (DRS) of a PERS member's participation in the TIAA/CREF plan, whether through election or default. It shall be the employee's responsibility to notify the other employer if he or she elects to participate in the TIAA/CREF plan. The employee will notify his or her college or state board employer should the employee cease to be an active PERS member. This irrevocable election remains in effect as long as the employee is actively participating in a PERS plan and is required because RCW 41.40.023(4) prohibits PERS members from simultaneously participating in two state retirement plans.

(3) Any current active participant of TIAA/CREF who becomes an active member of PERS based on employment with another PERS employer is required to notify his or her college or state board employer. The employee will be provided the options listed in subsection (2) of this section and the college or state board employer will follow through accordingly.

**WSR 00-09-053  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 00-46—Filed April 14, 2000, 4:34 p.m., effective April 16, 2000, 12:01 a.m.]

Date of Adoption: April 14, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-33000Y; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Crab hard shell conditions meet the criteria needed for harvest in the southern portion of Marine Area 8-2. Allocation issues between treaty and non-Indian fishers have been resolved and allow recreational harvest in areas previously closed for allocation purposes. 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: April 16, 2000, 12:01 a.m.

April 14, 2000

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-56-33000Z Personal use crab fishery—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-330, effective 12:01 a.m. April 16, 2000 until further notice it is lawful to fish for crab for personal use with crab pot gear in that portion of Catch Record Card Area 8-2 south of a line from Sandy Point on the east side of Whidbey Island to Camano Head.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. April 15, 2000:

WAC 220-56-33000Y Personal use crab fishery—Allocation/softshell closures. (00-39)



**WSR 00-09-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-48—Filed April 14, 2000, 4:35 p.m., effective April 20, 2000, 12:01 a.m.]

Date of Adoption: April 14, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-36000D; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Area 2. Washington Department of Health has certified clams from this beach to be safe for human consumption. 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: April 20, 2000, 12:01 a.m.

April 14, 2000

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-56-36000D Razor clams—Areas and seasons** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. April 20 through 11:59 a.m. April 20, 2000, razor clam digging is allowed in Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(2) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:00 noon April 20, 2000:

WAC 220-56-36000D Razor clams.

**WSR 00-09-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-49—Filed April 14, 2000, 4:37 p.m., effective April 16, 2000, 8:00 a.m.]

Date of Adoption: April 14, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-52-015 [220-52-051].

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: There is a harvestable surplus of shrimp in Crustacean Management Region 3, and an April 16 opening is consistent with the conservation and allocation requirements of the 2000 State/Tribal Puget Sound Shrimp Harvest Management Plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 2000, 8:00 a.m.

April 14, 2000

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-52-05100A Shrimp fishery—Puget Sound.** Notwithstanding the provisions of WAC 220-52-051, effective 8:00 a.m. on April 16, 2000 until further notice it is law-

ful to fish for shrimp for commercial purposes using shrimp beam trawl gear in Crustacean Management Region 3.

EMERGENCY

**WSR 00-09-005**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed April 6, 2000, 11:11 a.m.]

**T 2000-02**

**TO:** All Health Carriers  
**SUBJECT:** Provider Contracts and Conflicts Between OIC Rules and other Federal and State Laws  
**DATE:** Thursday, April 6, 2000

The Office of Insurance Commissioner (OIC) has recently learned that some health carriers have been reluctant to enter into provider agreements with Tribal Health Clinics and other health care providers who are part of the Indian Health Services. Federal law applicable to these providers conflict with some of the recently adopted OIC rules governing provider contracts. Carriers requested clarification from the OIC regarding the ability of carriers to deviate from OIC rules to satisfy federal requirements.

For example, OIC rules prohibit discrimination against health plan enrollees by providers. Federal law restricts access to Indian Health Services. To contract with tribal facilities, carriers could not require these facilities to see all plan enrollees. Other provisions of federal law similarly conflict with OIC contract requirements.

To enable Indian Health Services and tribal facilities and providers to contract with carriers, the OIC will specifically review and approve provider contracts that deviate from OIC rules as necessary to satisfy conflicting state and federal laws. The OIC will review and approve these contracts on a case by case basis and will work with carriers to devise standard clauses that meet the needs of Indian Health Services.

Carriers are advised to contact the OIC whenever they believe a conflicting state or federal law prevents or limits contracting because of OIC rules. In each case, the OIC will review and advise the carrier. Carriers should contact John S. Conniff, Health Policy Deputy at (360) 664-3786.

**WSR 00-09-011**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed April 10, 2000, 9:56 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Inquiry related to the definition of auxiliary staff.  
**Issuing Entity:** Washington State Examining Board of Psychology.

**Subject:** The board responded to an inquiry about the definition of "auxiliary staff" as used in WAC 246-924-030 Guidelines for the employment and/or supervision of auxiliary staff.

**Effective Date:** December 10, 1999.

**Contact Person:** Janice Boden, Program Manager, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4912.

**WSR 00-09-012**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed April 10, 2000, 9:57 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Delegation of Signature Authority Policy.  
**Issuing Entity:** Washington State Podiatric Medical Board.

**Subject:** This is a revision to the Podiatric Medical Board's existing policy on signature authority. It establishes who is authorized to sign letters, subpoenas, statements of charges, statements of allegation, cease and desist orders, rules hearing filings and final orders on behalf of the board.

**Effective Date:** February 11, 2000.

**Contact Person:** Arlene Robertson, Program Manager, Department of Health, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4945.

**WSR 00-09-013**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed April 10, 2000, 9:59 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Title:** Investigative Status Reports Policy.  
**Issuing Entity:** Washington State Podiatric Medical Board.

**Subject:** This is a revision to the Podiatric Medical Board's existing policy on investigative status reports. It establishes that board members shall receive monthly status reports of their current investigative cases.

**Effective Date:** February 11, 2000.

**Contact Person:** Arlene Robertson, Program Manager, Department of Health, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4945.

**WSR 00-09-014**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed April 10, 2000, 10:23 a.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

**Issuing Entity:** Washington State Nursing Care Quality Assurance Commission.

(1) **Title:** May a registered nurse remove chest tubes after cardiac surgery?

**Subject:** The commission issued an advisory opinion in response to the request from Barbara Godfrey, RN, MSN.

**Effective Date:** January 14, 2000.

(2) **Title:** Can a Licensed Practical Nurse perform the following duties?

1. Enter orders for patients as directed, including consult requests and ordering various tests.

2. Manages chest tubes including changing the PleurE-vac, adjustment of suture holding chest tube in place and removal of chest tubes as directed.

3. Pacing wire removal when directed.

4. Suture and staple removal when directed.

5. Enter surgical scheduling information and submit pre-operative orders as directed.

6. Performs appropriate diagnostic and therapeutic procedures.

7. Makes pre and postoperative contacts/arrangements.

8. Provides counseling and education to patients and their significant others pre and postoperatively.

9. Manages/coordinates surgical clinics.

10. Provide communication link between patients and providers/team.

11. Coordinate patient care between cardiology and cardiac surgery.

12. Act as liaison between surgical team and other facilities.

13. Coordinate discharge follow-ups with cardiac, thoracic and other consulted services.

14. Tracking and making x-ray films available.

Subject: The commission issued an advisory opinion in response to the request from Frankie T. Manning.

Effective Date: January 14, 2000.

(3) Title: Is it within the scope of practice for a registered nurse to place a fetal oximeter in the labor and delivery environment?

Subject: The commission issued an advisory opinion in response to the request from Martina Letco Porter, RNC, MS, MBA.

Effective Date: January 14, 2000.

(4) Title: Registered Nurses Performing Procedural Sedation.

Subject: The commission adopted a policy that it is within the scope of practice of a registered nurse to assist in the care of patients receiving procedural sedation (otherwise known as conscious sedation) during therapeutic and diagnostic procedures.

Effective Date: January 14, 2000.

(5) Title: May the nursing assistant perform the following procedures under the supervision of the registered nurse if the nursing assistant has received training in the procedure and competency has been verified? Specifically, the following procedures: Clean dressing change (nonsterile), oral suctioning, removal of foley catheter, assist with incentive spirometry, measure SaO<sub>2</sub> using a pulse oximeter, 12 lead ECG, refilling a formula bag for gastrostomy feeding without changing the tubing or bag, wet to dry dressing, adjusting an oxygen face mask, applying a nasal cannula.

Subject: The commission issued an advisory opinion in response to the request from Sandy Pendland, RN, Med.

Effective Date: March 3, 2000.

(6) Title: Is it within the practice of nursing to pre-fill insulin syringes for self-administration by an individual at a later date?

Subject: The commission issued an advisory opinion in response to the request from Pat Bossert, RN and Kathy Woods, RN.

Effective Date: March 3, 2000.

(7) Title: May a RN administer and review "medical evaluations" used to determine an employee's ability to wear respiratory protection? Specifically, can a RN, according to their training and level of expertise,

1. Administer a medical screening questionnaire.

2. Review the medical questionnaire to distinguish normal from abnormal responses.

3. Follow up with employees to clarify any positive (i.e., abnormal) responses on the questionnaire.

4. Verify normal health status of an individual worker related to their medical fitness to wear respiratory protection by reviewing reports from medical examinations or laboratory/test results.

5. Refer for further evaluation if any abnormal or irregular findings remain unexplained.

6. And, more specifically, can a RN perform these functions independently, or be delegated the responsibility?

Subject: The commission issued an advisory opinion in response to the request from Michelle Kom Gochnour.

Effective Date: March 3, 2000.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

## WSR 00-09-015

### INTERPRETIVE STATEMENT DEPARTMENT OF HEALTH

[Filed April 10, 2000, 10:25 a.m.]

#### NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Issuing Entity: Washington State Dental Quality Assurance Commission.

(1) Title: Who can legally perform the procedure of administering Actisite in Washington State?

Subject: The commission has issued this interpretive statement to replace the one that was issued in September 1997 which stated that the commission considered the administration of Actisite the same as placing of a retraction cord which can be performed by unlicensed persons under the close supervision of a dentist.

The commission has been advised that upon review of WACs and statutes, no authority was found for unlicensed persons to administer medications. And since Actisite is described as a system which involves placing of a tetracycline monolithic fiber into periodontal pockets, unlicensed persons are not authorized to perform this procedure.

Effective Date: May 14, 1999.

(2) Title: Can dental hygienists or dental assistants operate a micro-abrasion unit to clean the occlusal surface of teeth prior to sealant placement?

Subject: The commission has issued this interpretive statement in response to [a] letter from Dr. Robert B. Stephan asking whether dental hygienists or dental assistants can operate a micro-abrasion unit to clean the occlusal surface of teeth prior to sealant placement. The commission determined that no one other than a licensed dentist should operate a

micro-abrasion unit due to the fact that it can alter tooth structure.

Effective Date: May 14, 1999.

(3) Title: Authorized Teaching Facilities University of Washington, School of Dentistry Dental Faculty Licenses.

Subject: The commission issued a letter approving the request from Paul B. Robertson, Dean of the University of Washington School of Dentistry, to include the WIC facilities as part of the educational facilities recognized by the School of Dentistry. This policy also lists all DQAC approved teaching facilities for the University of Washington as of September 1990.

Effective Date: May 14, 1999.

(4) Title: Dental Quality Assurance Commission General Anesthesia On-Site Inspections Policy.

Subject: The commission adopted this policy to establish a written procedure to fully implement WAC 246-817-170(3) which provides for the requirement of an on-site inspection and evaluation of the facility, equipment and personnel, licensee and the procedures utilized by the licensee prior to issuance or renewal of a general anesthesia permit.

Effective Date: May 14, 1999.

(5) Title: Can a dental assistant use an "eraser prophylaxis jet?"

Subject: The commission has issued this interpretive statement in response to a letter from Rose Newman, CDA, asking whether a dental assistant can use an "eraser prophylaxis pencil." The commission stated that an "eraser prophylaxis pencil" was equivalent to a prophylaxis jet and therefore it cannot be used by unlicensed persons.

Effective Date: July 16, 1999.

(6) Title: Authorized Teaching Facilities University of Washington, School of Dentistry Dental Faculty Licenses.

Subject: The commission issued a letter approving the request from Paul B. Robertson, Dean of the University of Washington School of Dentistry, to include the WIC facilities as part of the educational facilities recognized by the School of Dentistry. This policy also lists all DQAC approved teaching facilities for the University of Washington as of September 1990.

Effective Date: May 14, 1999.

Title: Can a dental hygienist fill a tooth surface with a composite filling under a supervised condition?

Subject: The commission has issued an interpretive statement in response to a letter from Brandon Van Curen asking if a dental hygienist can fill a tooth surface with a composite filling under a supervised condition. The commission's opinion is that a hygienist can perform this procedure under WAC 246-817-560.

Effective Date: July 16, 1999.

Contact Person: Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863.

WSR 00-09-016
RULES OF COURT
STATE SUPREME COURT
[April 6, 2000]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO APR 11 ) NO. 25700-A-679
AND THE REGULATIONS )

The Washington State Bar Association Board of Governors recommended the adoption of the proposed amendments to APR 11 and the Regulations. Amendments were made based on comments received from the Supreme Court Clerk and Attorney General's Office. The Court having determined that the proposed amendments and regulations 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 amendments and regulations as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments to APR 11 and the Regulations will be published expeditiously and become effective upon publication. The effective date of APR 11.6 will be delayed until January 1, 2001.

DATED at Olympia, Washington this 6th day of April 2000.

Guy, C. J.

Madsen, J.

Johnson, J.

Alexander, J.

Talmadge, J.

Ireland, J.

Bridge, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-10 issue of the Register.

WSR 00-09-020
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
[Filed April 11, 2000, 2:55 p.m.]

Low-Income Home Energy Assistance Program (LIHEAP)
Public Hearing

The Washington State Department of Community, Trade and Economic Development (CTED) plans to hold a public hearing on changes to the 2000 Washington state plan, for the 2001 Low-income home energy assistance program (LIHEAP).

The hearing will be held Thursday, June 29, 2000, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 4th Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:00 a.m. and close at 11:00 a.m. unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., June 29, 2000. Written testimony should be sent to the attention of Bruce Yasutake, Community Services, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

The changes, if any, to the 2000 state plan will be described in a document called the Low-income home energy assistance program abbreviated model plan—Fiscal Year 2001. The 2001 Abbreviated model plan will be available at CTED's website - cted.wa.gov - in the Publications List, on May 22, 2000. The Washington state plan for the 2000 LIHEAP year is currently located there. These two documents are also available in alternate format upon request.

Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice. Please contact Leona Malmberg at (360) 753-4901, or TDD (360) 753-2200.

If you have any questions or need additional information, please contact Bruce Yasutake at (360) 586-0498 or by e-mail at brucey@cted.wa.gov.

**WSR 00-09-030**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Drug Utilization and Education Council)

[Memorandum—April 11, 2000]

- Dates\*: May 10, 2000  
 July 12, 2000  
 September 13, 2000  
 November 8, 2000  
 \* 2nd Wednesday of every other month beginning in January
- Time: 3:30 p.m.
- Place: WestCoast Sea-Tac Hotel  
 18220 International Boulevard South  
 Seattle, WA 98188
- Contact: Johnna Dodge  
 DSHS - Medical Assistance Administration  
 (360) 725-1570 or dodgeje@dshs.wa.gov

**WSR 00-09-031**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed April 14, 2000, 8:20 a.m.]

DESCRIPTION OF INTERPRETIVE OF POLICY STATEMENT

Document Title: 99-69 MAA Numbered Memorandum.  
 Subject: Ambulatory surgery/centers - Year 2000 changes and additions to CPT codes and HCFA codes.  
 Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT and HCPCS Level II code additions and reimburse for cochlear implant services in outpatient settings.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

April 4, 2000  
 Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-09-044**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Memorandum—April 13, 2000]

The Washington State Convention and Trade Center (WSCTC) Art Foundation board of directors will meet on Wednesday, April 19, at 11:30 a.m. in Room 402 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, April 19, 2000, at 1:30 p.m. in Room 403 of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

**WSR 00-09-056**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Memorandum—April 13, 2000]

The following change was made to Walla Walla Community College's board of trustees meeting schedule:

- Changed from:** April 19, 2000, 10:30 a.m.,  
 WWCC Clarkston Center
- Changed to:** April 19, 2000, 10:00 a.m.,  
 WWCC Clarkston Center

MISC.

If you have any questions on this information, please call (509) 527-4274.

**WSR 00-09-057**  
**NOTICE OF PUBLIC MEETINGS**  
**BENTON CLEAN**  
**AIR AUTHORITY**  
 [Memorandum—April 12, 2000]

We would like to publish our "regular" board meetings in the state register as provided for in RCW 34.08.040. The meetings are held on the third Thursday of each month at 5600 Canal Place, Kennewick, WA 99336. The meetings begin at 7:00 p.m.

**WSR 00-09-058**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fish and Wildlife Commission)  
 [Memorandum—April 17, 2000]

The Washington Fish and Wildlife Commission would like to publish a notice of change from the 2000 meeting schedule filed under WSR 00-01-147 as follows:

- The following conference calls have been canceled:

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
April 27	Conference call	Olympia
May 11	Conference call	Olympia
May 25	Conference call	Olympia
June 8	Conference call	Olympia
June 22	Conference call	Olympia
July 13	Conference call	Olympia
July 27	Conference call	Olympia
August 10	Conference call	Olympia
August 24	Conference call	Olympia
September 14	Conference call	Olympia
September 28	Conference call	Olympia
October 12	Conference call	Olympia
October 26	Conference call	Olympia
November 9	Conference call	Olympia
November 22	Conference call	Olympia
December 14	Conference call	Olympia
December 28	Conference call	Olympia

- The following conference calls have been scheduled:

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
May 4	Conference call	Olympia
May 18	Conference call	Olympia

June 1	Conference call	Olympia
June 15	Conference call	Olympia
July 6	Conference call	Olympia
July 20	Conference call	Olympia
August 3	Conference call	Olympia
August 17	Conference call	Olympia
September 7	Conference call	Olympia
September 21	Conference call	Olympia
October 5	Conference call	Olympia
October 19	Conference call	Olympia
November 2	Conference call	Olympia
November 16	Conference call	Olympia
December 7	Conference call	Olympia
December 21	Conference call	Olympia

**WSR 00-09-059**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 17, 2000, 11:59 a.m.]

**Priority Water Bodies to begin Cleanup Plans in FY 2001**  
**Public Comments Invited on Water Cleanup List**

The Washington Department of Ecology (ecology) wants your comments on a list of priority water bodies we have tentatively chosen for water cleanup planning this year. The criteria for making these selections included the severity of the pollution, potential harm to human and aquatic health, impaired beneficial uses, such as agriculture, drinking water and fish habitat, and the potential for local support for water cleanup activities. To help us select these waters, we met with groups in communities in four parts of the state last fall.

**Priority Water Bodies to begin Cleanup Plans in FY 2001**  
 (July 1, 2000 - June 30, 2001)

<u>WRIA</u>	<u>Primary Location</u>	<u>Water Body</u>	<u>Pollution Problems (see below for definitions)</u>
49	Okanogan Co.	Okanogan River	PCB and DDT
37	Yakima Co.	Granger Drain	Fecal Coliform
49	Okanogan Co.	Similkameen River	Arsenic
41, 43	Grant Co.	Moses Lake, Rocky Ford Creek, Upper Crab Creek	Phosphorus
3	Skagit Co.	Carpenter Cr., Fisher Cr., Fisher Slough, Skagit Basin	Fecal Coliform and Temperature
10	Pierce Co.	South Prairie Creek	Fecal Coliform
10	Pierce Co.	Meekeer Ditch and Clark's Creek	Fecal Coliform, pH, Dissolved Oxygen, and Temperature

**MISC.**

18 Clallam Co. Dungeness River/ Fecal Coliform  
Bay Expansion

WRIsAs (water resource inventory areas) are large watersheds.

Ecology reviews and responds to your comments during May and June. The water cleanup list will be finalized by July 14. Work begins on selected waters in fall 2000.

**Please address your comments on the above priority list by May 19, 2000, to Ron McBride, Ecology, P.O. Box 47600, Olympia, WA 98504-7600, rmc461@ecy.wa.gov, phone (360) 407-6469, or fax (360) 407-6426.**

**The entire list of water bodies we chose from can be viewed on our website: <http://www.wa.gov/ecology/wq/303d/>**

**Definitions of Pollution Problems:** Although not necessarily agents of disease, **fecal coliform** bacteria indicate the presence of disease-carrying organisms, which live in the same environment as the fecal coliform bacteria.

A certain minimum amount of **dissolved oxygen** must be present in water for aquatic life to survive.

**Temperature** is important because it governs the kinds of aquatic life that can live in a stream. For instance, streams must be cooler than 61° Fahrenheit for salmon to successfully spawn.

**pH** is a term used to indicate the alkalinity or acidity of a substance as ranked on a scale from 1.0 to 14.0. Neutral pH is 7.0. Acidity increases as the pH gets lower.

**PCB** - Highly persistent organic chemicals used primarily in electrical equipment (e.g. transformers). Banned from production in mid-1970s. Accumulates in fish tissue.

**DDT** - Highly persistent organic insecticide used widely until banned in 1972. Accumulates in fish tissue.

**Arsenic** is a naturally occurring element. Human activities can increase concentrations to toxic levels in the environment.

**Phosphorus** serves as a nutrient or "fertilizer" for algae and aquatic plants. Too much algae cause aesthetic problems and reduce oxygen levels in lakes and streams.

#### WSR 00-09-061

#### DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed April 17, 2000, 2:05 p.m.]

The Department of Community, Trade and Economic Development (CTED) will be publishing a draft of the low-income home energy assistance program abbreviated model plan - Fiscal Year 2001.

The draft abbreviated plan will contain changes, if any, to the Washington state plan for the 2000 low-income home energy assistance program (LIHEAP). The 2000 plan describes how the state of Washington, in conjunction with community-based public and private agencies, will work to provide effective energy relief to people in need. The plan was based on the model plan format provided by the federal

Department of Health and Human Services. This format ensures that the statutory requirements are met.

A copy of the 2001 abbreviated plan will be posted on CTED's website, in the publications list, on May 22, 2000. The Washington state plan for the 2000 LIHEAP is currently located there. Copies can be mailed to you upon request.

Written requests may be sent to Ms. Leona Malmberg, Department of Community, Trade and Economic Development, Community Services, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

You may also contact Ms. Malmberg by phone at (360) 753-4901 or by e-mail at [leonam@cted.wa.gov](mailto:leonam@cted.wa.gov) to request a copy. Alternate format plans are available upon request by mail, or by TDD (360) 753-2200. Please allow a minimum of ten working days.

Bruce Yasutake, Program Manager  
Energy Services Section

#### WSR 00-09-062

#### NOTICE OF PUBLIC MEETINGS PUBLIC EMPLOYEES BENEFITS BOARD

[Memorandum—April 14, 2000]

#### Cancellation of Public Employees Benefits Board Meeting

Because the legislature still has not completed their work on a budget, and the final Public Employees Benefits Board (PEBB) budget for 2001 is not known, the PEBB will not meet on April 18. The next meeting of the board is currently scheduled for May 23.

#### WSR 00-09-063

#### DEPARTMENT OF CORRECTIONS

[Filed April 17, 2000, 2:21 p.m.]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The enclosed Department of Corrections' rules amend chapter 137-32 WAC, Prisons—Administrative segregation and intensive management. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapter 137-32 WAC, Prisons—Administrative segregation and intensive management, is amended and adopted as of April 19, 2000.

2. The effective date of these amended rules shall be May 19, 2000.

3. I certify pursuant to RCW 34.05.030 that the rules as stated above are excluded from the Administrative Procedure Act.

4. The amendment modifies the following: Procedures for placement in administrative segregation or an intensive management unit; review and classification meeting procedures; and conditions of confinement. In addition, numerous



technical corrections are made. The modifications are in conformance with American Correctional Association standards.

Joseph D. Lehman  
Secretary

**AMENDATORY SECTION** (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-002 Definitions.** For the purpose of this chapter the following words shall have the following meanings:

- (1) "Department" means the department of corrections.
- (2) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.
- (3) "Secretary" means the secretary of the department of corrections.
- (4) (~~"Director" means the director of the division of prisons of the department, or the director's designees.~~) "Deputy secretary" means the deputy secretary of the office of correctional operations of the department, or the deputy secretary's designee.
- (5) "Superintendent" means the superintendent of an institution, or the superintendent's designees.
- (6) "Hearing officer" means the person named by a superintendent to act for the superintendent in reviewing the cases of inmates assigned to administrative segregation status.
- (7) "Inmate" means any person assigned to the custody of the department, including any person transferred to an institution from another state or the federal government.
- (8) "Administrative segregation status" means segregation of an inmate of an institution for nondisciplinary reasons.
- (9) "Intensive management status" means an assignment to administrative segregation for an extended period after other alternatives have been explored.
- (10) "Classification meeting" means a meeting with an inmate held to:
  - (a) Determine whether the inmate should be placed on administrative segregation status, continued on administrative segregation status, placed on intensive management status, continued on intensive management status, released to the general inmate population, recommended for either an in-state or out-of-state transfer; and/or
  - (b) Develop an action plan, expectations and goals relative to the rehabilitation of the inmate.
- (11) "Working days" means Monday through Friday excluding holidays.
- (12) "Intermediate informal review" means an informal review of the inmate's adjustment in administrative segregation by the hearing officer which is documented and may consist of, but not be limited to, discussions with the inmate involved, interviews with staff supervising the inmate and review of any documents relating to the inmate.

**AMENDATORY SECTION** (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-005 Initial placement.** (1) The superintendent may segregate an inmate from the general inmate

population and assign such inmate to a segregation or intensive management unit if, in the judgment of the superintendent, the ~~((presence of such inmate in the general inmate population would constitute a serious threat))~~ inmate:

- (a) ~~((To the safety of institution staff, visitors or other inmates;~~
- (b) ~~To such inmate's safety;~~
- (c) ~~Of an escape by such inmate; or~~
- (d) ~~To the orderly operation of the institution.))~~ Poses a threat to himself/herself, others, or the security of the institution;
- (b) Requests protection or is deemed by staff to require protection;
- (c) Is pending or in transit to a more secure institution; or
- (d) Poses a serious escape risk.

(2) The ~~((superintendent))~~ authorizing department staff member must ~~((verify the reason for placing the inmate in a segregation or intensive management unit))~~ determine that placement in administrative segregation status is appropriate and document the facts supporting such reason.

**AMENDATORY SECTION** (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-010 Initial review.** (1) Immediately after an inmate's initial placement in segregation ~~((the hearing officer)),~~ a department staff member will inform the inmate in writing of the reason for the inmate's segregation and the date, time and place of the initial review meeting.

(2) The hearing officer will meet with such inmate within two working days after initial placement for the initial review of the basis for the assignment of such inmate to administrative segregation status. During this initial review the inmate will be provided an opportunity to respond to the reasons for such inmate's placement in a segregation or intensive management unit.

(3) The hearing officer will prepare a written report of the initial review meeting with the inmate and deliver such report to the superintendent. This report will include the information provided to the inmate, the reason for initial placement in a segregation or intensive management unit, the inmate's response to the allegation resulting in the initial placement in a segregation or intensive management unit, the reasons supporting protective custody, special restrictions, including monitoring of special medications and/or diets, and the hearing officer's recommendation whether to continue the administrative segregation or to release the inmate to the general inmate population, together with the facts supporting such recommendation.

(4) The superintendent will review the hearing officer's report, and within three working days after the inmate's initial ~~((placement in segregation))~~ review meeting, will prepare a written decision accepting or rejecting the hearing officer's recommendations. ~~((A copy of the superintendent's decision will be forwarded to the inmate and the hearing officer.))~~

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-015 Classification meeting procedures.**

(1) The hearing officer will preside over classification meetings of inmates assigned to administrative segregation status.

(2) A classification meeting will be held not more than ten working days after the initial review meeting decision if continued administrative segregation placement is recommended.

(3) If an inmate is kept in administrative segregation status following the first classification meeting and intermediate informal review, the status will be reviewed in a second classification meeting which will be held within twenty working days after the superintendent's intermediate informal review decision. Subsequent classification meetings shall be held at intervals not exceeding one hundred eighty calendar days from the previous meeting.

(4) Not less than forty-eight hours prior to each classification meeting the hearing officer, or the hearing officer's designee, will advise the inmate in writing:

(a) Of the date, time, purpose, and place of the classification meeting;

(b) ~~((Of the specific allegations supporting placement or retention in administrative segregation;~~

~~((e)))~~ Of related criminal charges, if ~~((any))~~ known, evolving from the incident for which the inmate is placed on administrative segregation status;

~~((d)))~~ (c) That the inmate has the opportunity to provide the hearing officer with names of inmates or institution staff from whom witness statements should be obtained; and

~~((e)))~~ (d) That only written statements will be considered during the course of the hearing unless the hearing officer requires oral testimony for clarification.

(5) The hearing officer will ensure that all witnesses named by the inmate are provided with witness statement forms as soon as practical, but not less than twenty-four hours prior to the classification meeting.

(6) The following procedures will be adhered to during all classification meetings:

(a) The inmate may be present at all stages of the meeting except during discussions involving information from confidential sources.

(b) The hearing officer will ~~((maintain a record of))~~ document the meeting setting forth the information presented, including all witness statements.

(c) The superintendent ~~((shall))~~ may designate an institution staff member, other than the hearing officer, to present evidence either supporting continued administrative segregation or release therefrom.

(d) The hearing officer shall have the authority to ~~((request))~~ schedule inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. ~~((if practical,))~~ To the extent possible, confidential information presented to the hearing officer ~~((from confidential sources))~~ shall be presented by the individual receiving the information ~~((from the source)).~~ The source shall be identified to the hearing officer, except when the superintendent directs that the source is to remain confidential.

(e) The hearing officer will provide the inmate with an opportunity to present the inmate's views to the hearing officer ~~((and))~~ to clarify information from the witness statements. The inmate may present a written statement in lieu of, or in addition to oral testimony. The written statement will be included in the record.

(f) If the inmate refuses to attend the hearing, this fact will be documented ~~((along with all pertinent facts and actions taken))~~ by the hearing officer.

(g) An inmate may select an institution staff member, approved by the superintendent, to assist and advise the inmate at the hearing. The advisor may be a staff member not ordinarily assigned responsibility for the inmate. The advisor shall not be an inmate. The advisor will be approved by the superintendent only if, in the superintendent's judgment, the inmate is unable to present his/her own case.

(7) The hearing officer shall make a written report to the superintendent and the inmate within three working days after the classification meeting, which will include:

(a) A recommendation that the inmate be continued in administrative segregation, released back to the general population, or transferred to a more appropriate facility, in or out of state;

(b) An individual behavioral management plan which includes expectations for changes necessary in the inmate's behavior and appropriate program participation for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified behavioral changes and/or program completions/referrals shall not necessarily require discharge from administrative segregation, but shall be considered along with all other circumstances; ~~((and))~~

(c) A summary of the inmate's adjustment while in administrative segregation status; and

(d) For inmates under the jurisdiction of the indeterminate sentence review board, additional information on the inmate's adjustment and behavior covering the entire applicable reporting period.

(8) The inmate may appeal the report by submitting written objections and whatever other written information the inmate feels is relevant to the superintendent. Such material shall be filed within twenty-four hours of the inmate's receipt of the report.

(9) The ~~((superintendent))~~ hearing officer shall notify the inmate in writing within five working days after receiving the ~~((hearing officer's recommendation of the))~~ superintendent's decision regarding retention of the inmate in administrative segregation or the inmate's release therefrom, other action directed by the superintendent, and the date of the next classification meeting, if any.

(10) Inmates reviewed at the second classification meeting will be considered for one or more of the following:

(a) Referral to the ~~((director))~~ deputy secretary with a recommendation that the inmate be placed on intensive management status;

(b) Return to the general inmate population with clear behavioral expectations for remaining there; or

(c) Transfer to a more appropriate facility or unit, within or ~~((without))~~ outside the state.

MISC.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-020 Intermediate informal review.** (1) ~~((Twenty working days after the superintendent's decision to retain an inmate on administrative segregation status following))~~ For inmates retained on administrative segregation status after the first classification meeting, the hearing officer will conduct an informal review of the administrative segregation status with the inmate within twenty days of the first classification meeting. ((In this process the hearing officer will discuss the continued need for administrative segregation with the inmate, review any written material submitted by the inmate, review the inmate's behavior and attitude while in segregation, and such other information as appears relevant. The hearing officer may review any institution records and may discuss the inmate's case with staff as part of this review process:))

(2) The hearing officer shall prepare a written summary of the meeting with recommendations for the superintendent who may, within three working days of receipt of the written summary, either release the inmate from or retain the inmate on segregation.

(3) Decisions and recommendations made in this process shall not be appealable, nor shall they be subject to review through the grievance process.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-025 Intensive management status.** An inmate will be placed on intensive management status in accordance with the following procedures:

(1) The hearing officer may, after conducting a formal hearing, recommend to the superintendent that the inmate be placed on intensive management status stating the reasons therefor.

(2) The superintendent will review the hearing officer's recommendation, and if approved will forward a copy thereof to the ~~((director))~~ deputy secretary for final approval.

(3) The cases of all inmates assigned to intensive management status will ~~((be reviewed by the hearing officer))~~ have an assessment completed within the first thirty days. Reviews by the hearing officer will be held at intervals not to exceed ~~((one hundred eighty days; provided, however, if an inmate is assigned to intensive management status sooner than ninety days after the inmate's placement in administrative segregation, the review period shall be consistent with those set forth in WAC 137-32-015 and 137-32-020.~~

(4) ~~Inmates not approved for intensive management status by the director will be retained on administrative segregation status pending implementation of the action ordered by the director in lieu of assignment to intensive management. The cases of such inmates will be reviewed by the hearing officer at intervals not to exceed one hundred eighty days) thirty days.~~

Formal classification meetings will be held at intervals not to exceed six months.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-030 Conditions of confinement.** (1) An inmate placed ~~((on))~~ in an intensive management or administrative segregation unit shall, unless safety or security considerations dictate otherwise, be:

(a) Confined in ~~((a reasonably))~~ an adequately lighted and ventilated environment at a reasonably comfortable temperature for the season, unless mechanical or other problems prevent such conditions on a temporary basis;

(b) Provided meals of the ~~((same))~~ similar quality and quantity as provided to the general inmate population ~~((; unless specific security reasons dictate otherwise));~~ however, methods of preparation and/or delivery may be modified for security reasons;

(c) Provided access to personal hygiene items ~~((and facilities in a manner similar to the general inmate population));~~

(d) Provided the opportunities to shower (for a least ten minutes) and shave at least three times per week;

(e) Afforded rights to telephone, mail, and approved correspondence, supplies, visiting, reading material(s), and legal representation ~~((and recreation))~~ consistent with reasonable custody and security precautions;

~~((e))~~ (f) Provided an opportunity for daily exercise for no less than one hour per day, five days per week, outside of the inmate's cell; however, when the inmate is on isolation or program modification status, daily in-cell fitness activities will be encouraged in lieu of out-of-cell opportunities;

~~((f))~~ (g) Afforded ((an opportunity to be visited by a physician, nurse or designated health care person in a manner similar to the general inmate population; and

~~((g))~~ access to health care services and controlled access to prescribed and/or over-the-counter medications;

~~((h))~~ Afforded access to unit sergeant, unit supervisor, and counselor;

~~((i))~~ Provided exchange of clothing which may include T-shirts, underwear, socks, and towels, at least three times per week, and exchange of linens and coveralls weekly;

~~((j))~~ Provided barbering services on a monthly basis, except for those inmates assigned to isolation and/or program modification status; and

~~((k))~~ Provided access to ((educational programs when available)) the following, consistent with reasonable custody and security requirements: Religious guidance; education; self-help programs; library and law library; and grievance program.

(2) The rights of an inmate in administrative segregation confinement with respect to meals, personal hygiene, correspondence, reading, legal representation and recreation may be limited when the provision of such rights will result in danger to the inmate, or to institution staff, or present a threat to the maintenance of reasonable order and security within the institution. Decisions to limit the rights of an inmate in administrative segregation confinement ~~((in other than emergency situations))~~ must be approved in advance by the ~~((superintendent or duty officer))~~ unit supervisor. Limitations of rights imposed ~~((in emergency situations by other members of the institution staff))~~ shall be reviewed ~~((as soon as possible))~~ within one working day by the superintendent.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-035 Administrative release.** (1) The superintendent may release an inmate from administrative segregation status at any time after determining that, in the superintendent's judgment, the conditions or reasons which required the inmate's administrative segregation no longer exist. Recommendations for release may be submitted to the superintendent at any time by segregation unit staff or other staff familiar with the inmate's situation. An inmate who voluntarily requests segregation or protective custody in writing, on the security designation review form, may request to be returned to his or her housing unit at any time.

(2) Only the ~~((director))~~ deputy secretary has the authority to release an inmate from intensive management status.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

**WAC 137-32-045 Other procedures.** The ~~((superintendent of each institution))~~ department shall develop and implement specific procedures governing the administrative segregation of inmates, which procedures shall be consistent with the provisions of this chapter. ~~((No such procedures shall become effective until approved by the director.))~~

#### WSR 00-09-064

##### NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—April 17, 2000]

##### NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled as a regular meeting on May 2, 2000, in the city of Yakima, has been cancelled.

Proposed agenda items will be presented to the board at the regular meeting in SeaTac, Washington, scheduled for June 6, 2000.

#### WSR 00-09-067

##### NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—April 18, 2000]

The board of trustees of Bellingham Technical College will meet in a study session to discuss operating and capital budgets and college goals on Thursday, May 11, 8:30 a.m. to 2:30 p.m., Anderson Creek Lodge, 5602 Mission Road, Bellingham, WA. Call 738-3105 ext. 334 for information.

#### WSR 00-09-073

##### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed April 18, 2000, 11:15 a.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 00-09 MAA Numbered Memorandum.  
Subject: Family medical project.  
Effective Date: May 1, 2000.

**Effective May 1, 2000**, the Medical Assistance Administration (MAA) will reinstate medical benefits for certain families who lost their medical benefits when they stopped getting a temporary assistance for needy family (TANF) cash grant. This applies only to families who lost their medical benefits between August 1, 1997, and August 31, 1999. This memo discusses the details necessary for providers.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

April 13, 2000

Leslie Saeger, Manager  
Regulatory Improvement Project

#### WSR 00-09-074

##### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed April 18, 2000, 11:16 a.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 00-08 MAA Numbered Memorandum.  
Subject: Expedited prior authorization for nonsteroidal antiinflammatory drugs (NSAID).

Effective Date: During week of June 5, 2000.

The Medical Assistance Administration (MAA) is incorporating nonsteroidal antiinflammatory drugs (NSAID) into the expedited prior authorization (EPA) process as an entire therapeutic class. **The NSAID billing code and criterion (listed in this memo) will be implemented during the week of June 5, 2000.**

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

April 13, 2000

Leslie Saeger, Manager  
Regulatory Improvement Project

MISC.

**WSR 00-09-084**  
**DEPARTMENT OF HEALTH**  
 (Public Works Board)  
 [Filed April 18, 2000, 3:56 p.m.]

NOTICE OF ADOPTION OF GUIDELINES

**Title of Guidelines**

1997: Drinking Water State Revolving Fund 1997 Guidelines

1998: Drinking Water State Revolving Fund 1998 Guidelines and Loan Application 1999 DWSRF Loan Guidelines and Application

1999: Volume One: The Program and Its Process, Volume Two: Application Forms and Instructions, and Volume Three: Appendix

2000: Application Forms and Instructions, and Volume Three: Appendix

**Effective Date**

New: 9/30/97  
 Revision: 3/14/00, 3/14/00, 3/14/00, 3/14/00

**Issuing Agency/ Division**

Jointly managed by:

1. Department of Health (DOH) Environmental Health Programs - Division of Drinking Water
2. Washington State Public Works Board and its administrative agent, the Washington State Community, Trade and Economic Development (CTED) - Local Development Assistance Division

**Description:**  
 The DWSRF guidelines have been amended as follows:

**Revision 1:**  
 A) Retroactive amendment to 1997 DWSRF program guidelines related to project funding request; and  
 B) Retroactive amendment to 1997 DWSRF program guidelines relating to date when eligible project expenses may be reimbursed as part of a construction loan.

**Revision 2:**  
 A) Retroactive amendment to 1998 DWSRF program guidelines related to project funding request; and  
 B) Retroactive amendment to 1998 DWSRF program guidelines relating to date when eligible project expenses may be reimbursed as part of a construction loan.

**Revision 3:**  
 A) Retroactive amendment to 1999 DWSRF program guidelines related to project funding request; and  
 B) Retroactive amendment to 1999 DWSRF program guidelines relating to date when eligible project expenses may be reimbursed as part of a construction loan.

**Revision 4:**  
 Updated guidelines/application pertaining to 2000 loan cycle.

**Contact:** Judy J. Sides  
 Department of Health  
 Division of Drinking Water  
 P.O. Box 47822  
 Olympia, WA 98504-7822

**Telephone:** (360) 236-3096

**Internet:** judy.sides@doh.wa.gov

**WSR 00-09-091**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**  
 [Memorandum—April 17, 2000]

We previously sent you notice of a special meeting of the board of trustees of Bates Technical College scheduled for May 1-3 during the TACTC (Trustees Association of Community and Technical Colleges) spring conference (Orcas Island, Washington at the Rosario Resort). In that letter we indicated that there would be no Bates board discussions or college business conducted during the TACTC meetings.

However, we hereby notify you that the Bates Technical College board of trustees will hold a special meeting during the TACTC conference: On May 2 from 1:30-3:30 p.m. and continuing on May 3 from 9:00-10:30 a.m. At that time the trustees will go into executive session to discuss personnel matters. No actions will occur during executive session. Actions that might result from executive session will be dealt with during the public portion of the special board meeting.

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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16-557	REP-C	00-08-066	132E-120-110	NEW-P	00-06-063	132L-20-030	REP	00-07-113
16-557	REP-C	00-09-026	132E-120-120	NEW-P	00-06-063	132L-20-050	REP	00-07-113
16-557-010	REP-C	00-07-136	132E-120-130	NEW-P	00-06-063	132L-20-070	REP	00-07-113
16-557-020	REP-C	00-07-136	132E-120-140	NEW-P	00-06-063	132L-20-080	REP	00-07-113
16-557-025	REP-C	00-07-136	132E-120-150	NEW-P	00-06-063	132L-20-130	REP	00-07-113
16-557-030	REP-C	00-07-136	132E-120-160	RECOD-P	00-06-063	132L-20-135	REP	00-07-113
16-557-040	REP-C	00-07-136	132E-120-170	RECOD-P	00-06-063	132L-20-140	REP	00-07-113
16-557-041	REP-C	00-07-136	132E-120-180	RECOD-P	00-06-063	132L-22-020	REP	00-07-113
16-557-050	REP-C	00-07-136	132E-120-190	RECOD-P	00-06-063	132L-22-060	REP	00-07-113
16-557-060	REP-C	00-07-136	132E-120-200	NEW-P	00-06-063	132L-22-070	REP	00-07-113
16-557-070	REP-C	00-07-136	132E-120-210	NEW-P	00-06-063	132L-22-080	REP	00-07-113
16-557-080	REP-C	00-07-136	132E-120-220	RECOD-P	00-06-063	132L-24-010	REP	00-07-113
16-565-020	AMD-XA	00-05-092	132E-120-230	RECOD-P	00-06-063	132L-24-020	REP	00-07-113
16-662-105	AMD-P	00-09-090	132E-120-240	NEW-P	00-06-063	132L-24-030	REP	00-07-113
44-10-010	AMD	00-08-068	132E-120-250	NEW-P	00-06-063	132L-24-090	REP	00-07-113
44-10-170	AMD	00-08-068	132E-120-260	NEW-P	00-06-063	132L-25-010	REP	00-07-113
44-10-200	AMD	00-08-068	132E-120-270	NEW-P	00-06-063	132L-120-010	AMD	00-07-113
82-50-021	AMD-XA	00-05-016	132E-120-280	NEW-P	00-06-063	132L-120-015	NEW	00-07-113
82-50-021	AMD	00-09-088	132E-120-290	NEW-P	00-06-063	132L-120-020	AMD	00-07-113
112-10-010	AMD	00-05-036	132E-120-300	NEW-P	00-06-063	132L-120-030	NEW	00-07-113
112-10-020	AMD	00-05-036	132E-120-310	NEW-P	00-06-063	132L-120-040	NEW	00-07-113
112-10-030	AMD	00-05-036	132E-120-320	NEW-P	00-06-063	132L-120-070	NEW	00-07-113
112-10-040	AMD	00-05-036	132E-120-330	NEW-P	00-06-063	132L-120-080	NEW	00-07-113
112-10-050	AMD	00-05-036	132E-120-340	NEW-P	00-06-063	132L-120-090	NEW	00-07-113
112-10-060	AMD	00-05-036	132E-120-350	NEW-P	00-06-063	132L-120-100	NEW	00-07-113
112-10-070	NEW	00-05-036	132E-120-360	NEW-P	00-06-063	132L-120-110	NEW	00-07-113
112-10-080	NEW	00-05-036	132E-120-370	NEW-P	00-06-063	132L-120-120	NEW	00-07-113



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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132L-120-130	NEW	00-07-113	132Q- 20-080	AMD-P	00-08-075	132X- 50-280	AMD	00-05-023
132L-120-140	NEW	00-07-113	132Q- 20-090	AMD-P	00-08-075	132X- 60-010	AMD	00-05-023
132L-120-150	NEW	00-07-113	132Q- 20-110	AMD-P	00-08-075	132X- 60-015	NEW	00-05-023
132L-120-160	NEW	00-07-113	132Q- 20-130	AMD-P	00-08-075	132X- 60-020	AMD	00-05-023
132L-120-170	NEW	00-07-113	132Q- 20-150	AMD-P	00-08-075	132X- 60-035	NEW	00-05-023
132L-120-180	NEW	00-07-113	132Q- 20-160	AMD-P	00-08-075	132X- 60-037	NEW	00-05-023
132L-120-190	NEW	00-07-113	132Q- 20-170	AMD-P	00-08-075	132X- 60-040	AMD	00-05-023
132L-120-200	NEW	00-07-113	132Q- 20-180	AMD-P	00-08-075	132X- 60-045	NEW	00-05-023
132L-120-210	NEW	00-07-113	132Q- 20-200	AMD-P	00-08-075	132X- 60-046	NEW	00-05-023
132L-120-220	NEW	00-07-113	132Q- 20-210	AMD-P	00-08-075	132X- 60-050	AMD	00-05-023
132Q- 04-010	AMD-P	00-08-075	132Q- 20-220	AMD-P	00-08-075	132X- 60-060	AMD	00-05-023
132Q- 04-020	AMD-P	00-08-075	132Q- 20-240	AMD-P	00-08-075	132X- 60-065	NEW	00-05-023
132Q- 04-031	NEW-P	00-08-075	132Q- 20-250	AMD-P	00-08-075	132X- 60-075	NEW	00-05-023
132Q- 04-035	REP-P	00-08-075	132Q- 20-260	AMD-P	00-08-075	132X- 60-080	AMD	00-05-023
132Q- 04-040	REP-P	00-08-075	132Q- 20-270	AMD-P	00-08-075	132X- 60-090	AMD	00-05-023
132Q- 04-050	REP-P	00-08-075	132Q- 94-010	AMD-P	00-08-075	132X- 60-100	AMD	00-05-023
132Q- 04-060	REP-P	00-08-075	132Q- 94-020	AMD-P	00-08-075	132X- 60-110	AMD	00-05-023
132Q- 04-061	REP-P	00-08-075	132Q- 94-030	AMD-P	00-08-075	132X- 60-120	AMD	00-05-023
132Q- 04-067	REP-P	00-08-075	132Q- 94-125	AMD-P	00-08-075	132X- 60-130	AMD	00-05-023
132Q- 04-068	REP-P	00-08-075	132Q- 94-150	AMD-P	00-08-075	132X- 60-140	AMD	00-05-023
132Q- 04-070	REP-P	00-08-075	132X- 10-010	AMD	00-05-023	132X- 60-150	AMD	00-05-023
132Q- 04-075	REP-P	00-08-075	132X- 10-030	AMD	00-05-023	132X- 60-160	AMD	00-05-023
132Q- 04-076	AMD-P	00-08-075	132X- 10-050	AMD	00-05-023	132X- 60-170	AMD	00-05-023
132Q- 04-080	REP-P	00-08-075	132X- 10-060	AMD	00-05-023	132X- 60-178	NEW	00-05-023
132Q- 04-081	REP-P	00-08-075	132X- 10-080	AMD	00-05-023	132X- 60-180	AMD	00-05-023
132Q- 04-082	REP-P	00-08-075	132X- 10-100	AMD	00-05-023	132Z-112-010	NEW-P	00-07-121
132Q- 04-083	REP-P	00-08-075	132X- 10-110	AMD	00-05-023	132Z-112-020	NEW-P	00-07-121
132Q- 04-085	REP-P	00-08-075	132X- 20-010	REP	00-05-022	132Z-112-030	NEW-P	00-07-121
132Q- 04-090	REP-P	00-08-075	132X- 20-020	REP	00-05-022	132Z-112-040	NEW-P	00-07-121
132Q- 04-094	REP-P	00-08-075	132X- 20-030	REP	00-05-022	132Z-112-050	NEW-P	00-07-121
132Q- 04-095	REP-P	00-08-075	132X- 20-040	REP	00-05-022	132Z-115-010	NEW-P	00-07-121
132Q- 04-096	REP-P	00-08-075	132X- 20-050	REP	00-05-022	132Z-115-020	NEW-P	00-07-121
132Q- 04-100	AMD-P	00-08-075	132X- 20-060	REP	00-05-022	132Z-115-030	NEW-P	00-07-121
132Q- 04-110	AMD-P	00-08-075	132X- 20-070	REP	00-05-022	132Z-115-040	NEW-P	00-07-121
132Q- 04-120	AMD-P	00-08-075	132X- 20-080	REP	00-05-022	132Z-115-050	NEW-P	00-07-121
132Q- 04-130	AMD-P	00-08-075	132X- 20-090	REP	00-05-022	132Z-115-060	NEW-P	00-07-121
132Q- 04-140	AMD-P	00-08-075	132X- 20-100	REP	00-05-022	132Z-115-070	NEW-P	00-07-121
132Q- 04-150	AMD-P	00-08-075	132X- 20-110	REP	00-05-022	132Z-115-080	NEW-P	00-07-121
132Q- 04-170	AMD-P	00-08-075	132X- 20-120	REP	00-05-022	132Z-115-090	NEW-P	00-07-121
132Q- 04-180	AMD-P	00-08-075	132X- 20-130	REP	00-05-022	132Z-115-100	NEW-P	00-07-121
132Q- 04-190	AMD-P	00-08-075	132X- 30-040	AMD	00-05-023	132Z-115-110	NEW-P	00-07-121
132Q- 04-200	AMD-P	00-08-075	132X- 40-020	AMD	00-05-023	132Z-115-120	NEW-P	00-07-121
132Q- 04-210	AMD-P	00-08-075	132X- 50-020	AMD	00-05-023	132Z-115-130	NEW-P	00-07-121
132Q- 04-240	AMD-P	00-08-075	132X- 50-030	AMD	00-05-023	132Z-115-140	NEW-P	00-07-121
132Q- 04-250	AMD-P	00-08-075	132X- 50-040	AMD	00-05-023	132Z-115-150	NEW-P	00-07-121
132Q- 04-260	AMD-P	00-08-075	132X- 50-050	AMD	00-05-023	132Z-115-160	NEW-P	00-07-121
132Q- 04-280	AMD-P	00-08-075	132X- 50-060	AMD	00-05-023	132Z-115-170	NEW-P	00-07-121
132Q- 05-010	AMD-P	00-08-075	132X- 50-080	AMD	00-05-023	132Z-115-180	NEW-P	00-07-121
132Q- 05-020	AMD-P	00-08-075	132X- 50-110	AMD	00-05-023	132Z-115-190	NEW-P	00-07-121
132Q- 05-033	AMD-P	00-08-075	132X- 50-120	AMD	00-05-023	132Z-115-200	NEW-P	00-07-121
132Q- 05-036	AMD-P	00-08-075	132X- 50-130	AMD	00-05-023	132Z-115-210	NEW-P	00-07-121
132Q- 05-040	AMD-P	00-08-075	132X- 50-140	AMD	00-05-023	132Z-115-220	NEW-P	00-07-121
132Q- 05-050	AMD-P	00-08-075	132X- 50-150	AMD	00-05-023	132Z-115-230	NEW-P	00-07-121
132Q- 05-060	AMD-P	00-08-075	132X- 50-160	AMD	00-05-023	136-167-020	AMD	00-05-043
132Q- 05-070	AMD-P	00-08-075	132X- 50-170	AMD	00-05-023	136-167-030	AMD	00-05-043
132Q- 05-080	AMD-P	00-08-075	132X- 50-180	AMD	00-05-023	137- 28	PREP	00-02-070
132Q- 05-090	AMD-P	00-08-075	132X- 50-190	AMD	00-05-023	137- 28-140	AMD-P	00-07-048
132Q- 05-100	AMD-P	00-08-075	132X- 50-210	AMD	00-05-023	137- 28-160	AMD-P	00-07-048
132Q- 20-010	AMD-P	00-08-075	132X- 50-230	AMD	00-05-023	137- 28-170	AMD-P	00-07-048
132Q- 20-020	AMD-P	00-08-075	132X- 50-240	AMD	00-05-023	137- 28-185	NEW-P	00-07-048
132Q- 20-040	AMD-P	00-08-075	132X- 50-260	AMD	00-05-023	137- 28-220	AMD-P	00-07-048
132Q- 20-060	AMD-P	00-08-075	132X- 50-270	AMD	00-05-023	137- 28-230	AMD-P	00-07-048

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
137- 28-260	AMD-P	00-07-048	139- 01-100	AMD-P	00-07-097	139- 03-070	NEW-P	00-07-097
137- 28-270	AMD-P	00-07-048	139- 01-110	REP-P	00-07-097	139- 03-080	NEW-P	00-07-097
137- 28-290	AMD-P	00-07-048	139- 01-320	REP-P	00-07-097	139- 05	PREP	00-04-048
137- 28-300	AMD-P	00-07-048	139- 01-330	REP-P	00-07-097	139- 05-200	AMD-P	00-07-097
137- 28-310	AMD-P	00-07-048	139- 01-410	REP-P	00-07-097	139- 05-210	AMD-P	00-07-097
137- 28-320	REP-P	00-07-048	139- 01-415	REP-P	00-07-097	139- 05-220	AMD-P	00-07-097
137- 28-350	AMD-P	00-07-048	139- 01-420	REP-P	00-07-097	139- 05-230	AMD-P	00-07-097
137- 28-380	AMD-P	00-07-048	139- 01-425	REP-P	00-07-097	139- 05-240	AMD-P	00-07-097
137- 28-420	AMD-P	00-07-048	139- 01-430	REP-P	00-07-097	139- 05-242	AMD-P	00-07-097
137- 32-002	AMD	00-09-063	139- 01-435	REP-P	00-07-097	139- 05-250	AMD-P	00-07-097
137- 32-005	AMD	00-09-063	139- 01-440	REP-P	00-07-097	139- 05-810	AMD-P	00-07-097
137- 32-010	AMD	00-09-063	139- 01-445	REP-P	00-07-097	139- 05-912	AMD-P	00-07-097
137- 32-015	AMD	00-09-063	139- 01-450	REP-P	00-07-097	139- 05-915	AMD-P	00-07-097
137- 32-020	AMD	00-09-063	139- 01-455	REP-P	00-07-097	139- 10	PREP	00-04-048
137- 32-025	AMD	00-09-063	139- 01-460	REP-P	00-07-097	139- 10-210	AMD-P	00-07-097
137- 32-030	AMD	00-09-063	139- 01-465	REP-P	00-07-097	139- 10-212	AMD-P	00-07-097
137- 32-035	AMD	00-09-063	139- 01-470	REP-P	00-07-097	139- 10-215	AMD-P	00-07-097
137- 32-045	AMD	00-09-063	139- 01-475	REP-P	00-07-097	139- 10-220	AMD-P	00-07-097
137-125-005	NEW-E	00-05-044	139- 01-510	REP-P	00-07-097	139- 10-221	NEW-P	00-07-097
137-125-010	NEW-E	00-05-044	139- 01-515	REP-P	00-07-097	139- 10-222	AMD-P	00-07-097
137-125-015	NEW-E	00-05-044	139- 01-520	REP-P	00-07-097	139- 10-230	AMD-P	00-07-097
137-125-040	NEW-E	00-05-044	139- 01-525	REP-P	00-07-097	139- 10-235	AMD-P	00-07-097
137-125-042	NEW-E	00-05-044	139- 01-530	REP-P	00-07-097	139- 10-236	NEW-P	00-07-097
137-125-044	NEW-E	00-05-044	139- 01-535	REP-P	00-07-097	139- 10-237	AMD-P	00-07-097
137-125-046	NEW-E	00-05-044	139- 01-540	REP-P	00-07-097	139- 10-240	AMD-P	00-07-097
137-125-048	NEW-E	00-05-044	139- 01-545	REP-P	00-07-097	139- 10-310	AMD-P	00-07-097
137-125-052	NEW-E	00-05-044	139- 01-550	REP-P	00-07-097	139- 10-320	AMD-P	00-07-097
137-125-054	NEW-E	00-05-044	139- 01-555	REP-P	00-07-097	139- 10-410	AMD-P	00-07-097
137-125-060	NEW-E	00-05-044	139- 01-560	REP-P	00-07-097	139- 10-420	AMD-P	00-07-097
137-125-070	NEW-E	00-05-044	139- 01-565	REP-P	00-07-097	139- 10-510	AMD-P	00-07-097
137-125-072	NEW-E	00-05-044	139- 01-570	REP-P	00-07-097	139- 10-520	AMD-P	00-07-097
137-125-076	NEW-E	00-05-044	139- 01-575	REP-P	00-07-097	139- 25	PREP	00-04-048
137-125-078	NEW-E	00-05-044	139- 01-610	REP-P	00-07-097	139- 25-110	AMD-P	00-07-097
137-125-090	NEW-E	00-05-044	139- 01-615	REP-P	00-07-097	173- 98-030	AMD-XA	00-04-085
137-125-095	NEW-E	00-05-044	139- 01-620	REP-P	00-07-097	173- 98-030	AMD	00-09-010
137-125-100	NEW-E	00-05-044	139- 01-625	REP-P	00-07-097	173-181	PREP	00-05-096
137-125-105	NEW-E	00-05-044	139- 01-630	REP-P	00-07-097	173-202-010	REP-XR	00-06-038
137-125-110	NEW-E	00-05-044	139- 01-710	REP-P	00-07-097	173-202-020	REP-XR	00-06-038
137-125-115	NEW-E	00-05-044	139- 01-715	REP-P	00-07-097	173-224-040	AMD-XA	00-07-112
137-125-120	NEW-E	00-05-044	139- 01-720	REP-P	00-07-097	173-245-010	AMD-XA	00-09-025
137-125-125	NEW-E	00-05-044	139- 01-725	REP-P	00-07-097	173-245-015	AMD-XA	00-09-025
137-125-130	NEW-E	00-05-044	139- 01-730	REP-P	00-07-097	173-245-020	AMD-XA	00-09-025
137-125-135	NEW-E	00-05-044	139- 01-735	REP-P	00-07-097	173-245-030	AMD-XA	00-09-025
137-125-140	NEW-E	00-05-044	139- 01-810	REP-P	00-07-097	173-245-040	AMD-XA	00-09-025
137-125-195	NEW-E	00-05-044	139- 01-820	REP-P	00-07-097	173-245-050	AMD-XA	00-09-025
137-130-005	NEW-E	00-05-045	139- 02-010	NEW-P	00-07-097	173-245-055	AMD-XA	00-09-025
137-130-010	NEW-E	00-05-045	139- 02-020	NEW-P	00-07-097	173-245-060	AMD-XA	00-09-025
137-130-020	NEW-E	00-05-045	139- 02-030	NEW-P	00-07-097	173-245-070	AMD-XA	00-09-025
137-130-030	NEW-E	00-05-045	139- 02-040	NEW-P	00-07-097	173-245-075	AMD-XA	00-09-025
137-130-040	NEW-E	00-05-045	139- 02-050	NEW-P	00-07-097	173-245-080	AMD-XA	00-09-025
137-130-050	NEW-E	00-05-045	139- 02-060	NEW-P	00-07-097	173-245-084	AMD-XA	00-09-025
137-130-060	NEW-E	00-05-045	139- 02-070	NEW-P	00-07-097	173-245-090	AMD-XA	00-09-025
137-130-070	NEW-E	00-05-045	139- 02-080	NEW-P	00-07-097	173-303-010	AMD-P	00-02-081
137-130-080	NEW-E	00-05-045	139- 02-090	NEW-P	00-07-097	173-303-016	AMD-P	00-02-081
137-130-090	NEW-E	00-05-045	139- 02-100	NEW-P	00-07-097	173-303-040	AMD-P	00-02-081
137-130-100	NEW-E	00-05-045	139- 02-110	NEW-P	00-07-097	173-303-045	AMD-P	00-02-081
137-130-110	NEW-E	00-05-045	139- 03-010	NEW-P	00-07-097	173-303-060	AMD-P	00-02-081
137-130-120	NEW-E	00-05-045	139- 03-020	NEW-P	00-07-097	173-303-070	AMD-P	00-02-081
137-130-130	NEW-E	00-05-045	139- 03-030	NEW-P	00-07-097	173-303-071	AMD-P	00-02-081
137-130-140	NEW-E	00-05-045	139- 03-040	NEW-P	00-07-097	173-303-073	AMD-P	00-02-081
137-130-150	NEW-E	00-05-045	139- 03-050	NEW-P	00-07-097	173-303-077	AMD-P	00-02-081
139- 01	PREP	00-04-048	139- 03-060	NEW-P	00-07-097	173-303-100	AMD-P	00-02-081

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173-303-110	AMD-P	00-02-081	173-322-090	AMD-W	00-09-083	173-425-010	AMD	00-07-066
173-303-120	AMD-P	00-02-081	173-322-100	AMD-W	00-09-083	173-425-020	AMD	00-07-066
173-303-160	AMD-P	00-02-081	173-322-110	AMD-W	00-09-083	173-425-030	AMD	00-07-066
173-303-170	AMD-P	00-02-081	173-322-120	AMD-W	00-09-083	173-425-040	AMD	00-07-066
173-303-180	AMD-P	00-02-081	173-340-100	AMD-W	00-09-083	173-425-050	AMD	00-07-066
173-303-190	AMD-P	00-02-081	173-340-120	AMD-W	00-09-083	173-425-060	AMD	00-07-066
173-303-200	AMD-P	00-02-081	173-340-130	AMD-W	00-09-083	173-425-070	AMD	00-07-066
173-303-201	AMD-P	00-02-081	173-340-140	AMD-W	00-09-083	173-425-080	AMD	00-07-066
173-303-240	AMD-P	00-02-081	173-340-200	AMD-W	00-09-083	173-425-090	REP	00-07-066
173-303-280	AMD-P	00-02-081	173-340-210	AMD-W	00-09-083	173-425-100	REP	00-07-066
173-303-281	AMD-P	00-02-081	173-340-300	AMD-W	00-09-083	173-425-110	REP	00-07-066
173-303-300	AMD-P	00-02-081	173-340-310	AMD-W	00-09-083	180- 27-032	AMD	00-04-007
173-303-320	AMD-P	00-02-081	173-340-320	AMD-W	00-09-083	180- 27-102	AMD-P	00-05-104
173-303-360	AMD-P	00-02-081	173-340-330	AMD-W	00-09-083	180- 27-102	AMD	00-09-045
173-303-370	AMD-P	00-02-081	173-340-340	AMD-W	00-09-083	180- 29-068	NEW	00-04-008
173-303-380	AMD-P	00-02-081	173-340-350	AMD-W	00-09-083	180- 40-270	AMD	00-07-018
173-303-390	AMD-P	00-02-081	173-340-360	AMD-W	00-09-083	180- 40-285	AMD	00-07-018
173-303-400	AMD-P	00-02-081	173-340-370	NEW-W	00-09-083	180- 40-305	AMD	00-07-018
173-303-505	AMD-P	00-02-081	173-340-380	NEW-W	00-09-083	180- 40-315	AMD	00-07-018
173-303-510	AMD-P	00-02-081	173-340-390	NEW-W	00-09-083	180- 51-063	NEW	00-04-047
173-303-515	AMD-P	00-02-081	173-340-400	AMD-W	00-09-083	180- 51-063	PREP	00-07-017
173-303-520	AMD-P	00-02-081	173-340-410	AMD-W	00-09-083	180- 51-064	NEW	00-04-047
173-303-522	AMD-P	00-02-081	173-340-420	AMD-W	00-09-083	180- 51-075	AMD	00-05-010
173-303-573	AMD-P	00-02-081	173-340-430	AMD-W	00-09-083	180- 51-075	PREP	00-06-054
173-303-578	NEW-P	00-02-081	173-340-440	AMD-W	00-09-083	180- 52-041	NEW	00-03-046
173-303-600	AMD-P	00-02-081	173-340-450	AMD-W	00-09-083	180- 56-230	PREP	00-07-046
173-303-610	AMD-P	00-02-081	173-340-510	AMD-W	00-09-083	180- 57-070	PREP	00-07-016
173-303-620	AMD-P	00-02-081	173-340-515	NEW-W	00-09-083	180- 78A-010	AMD	00-03-049
173-303-630	AMD-P	00-02-081	173-340-520	AMD-W	00-09-083	180- 78A-100	AMD-P	00-05-082
173-303-640	AMD-P	00-02-081	173-340-530	AMD-W	00-09-083	180- 78A-100	AMD	00-09-049
173-303-645	AMD-P	00-02-081	173-340-545	NEW-W	00-09-083	180- 78A-209	AMD-P	00-05-079
173-303-646	AMD-P	00-02-081	173-340-550	AMD-W	00-09-083	180- 78A-209	AMD	00-09-046
173-303-650	AMD-P	00-02-081	173-340-600	AMD-W	00-09-083	180- 78A-500	PREP	00-05-078
173-303-680	AMD-P	00-02-081	173-340-610	AMD-W	00-09-083	180- 78A-505	AMD	00-03-049
173-303-690	AMD-P	00-02-081	173-340-700	AMD-W	00-09-083	180- 78A-510	AMD	00-03-049
173-303-691	AMD-P	00-02-081	173-340-702	AMD-W	00-09-083	180- 78A-515	AMD	00-03-049
173-303-692	NEW-P	00-02-081	173-340-704	AMD-W	00-09-083	180- 78A-520	AMD	00-03-049
173-303-693	NEW-P	00-02-081	173-340-705	AMD-W	00-09-083	180- 78A-525	AMD	00-03-049
173-303-800	AMD-P	00-02-081	173-340-706	AMD-W	00-09-083	180- 78A-530	AMD	00-03-049
173-303-803	NEW-P	00-02-081	173-340-708	AMD-W	00-09-083	180- 78A-535	AMD	00-03-049
173-303-804	AMD-P	00-02-081	173-340-709	NEW-W	00-09-083	180- 78A-540	AMD	00-03-049
173-303-805	AMD-P	00-02-081	173-340-710	AMD-W	00-09-083	180- 79A-006	AMD	00-03-048
173-303-806	AMD-P	00-02-081	173-340-720	AMD-W	00-09-083	180- 79A-007	AMD	00-03-048
173-303-807	AMD-P	00-02-081	173-340-730	AMD-W	00-09-083	180- 79A-123	AMD-P	00-05-080
173-303-810	AMD-P	00-02-081	173-340-740	AMD-W	00-09-083	180- 79A-123	AMD	00-09-048
173-303-830	AMD-P	00-02-081	173-340-745	AMD-W	00-09-083	180- 79A-130	AMD	00-03-048
173-303-840	AMD-P	00-02-081	173-340-747	NEW-W	00-09-083	180- 79A-140	PREP	00-05-076
173-303-9904	AMD-P	00-02-081	173-340-7490	NEW-W	00-09-083	180- 79A-145	AMD	00-03-048
173-303-9907	AMD-P	00-02-081	173-340-7491	NEW-W	00-09-083	180- 79A-206	AMD	00-03-048
173-321-010	AMD-W	00-09-083	173-340-7492	NEW-W	00-09-083	180- 79A-231	PREP	00-05-076
173-321-020	AMD-W	00-09-083	173-340-7493	NEW-W	00-09-083	180- 79A-250	AMD	00-03-048
173-321-040	AMD-W	00-09-083	173-340-7494	NEW-W	00-09-083	180- 79A-257	AMD	00-03-048
173-321-050	AMD-W	00-09-083	173-340-750	AMD-W	00-09-083	180- 79A-260	AMD	00-03-050
173-321-060	AMD-W	00-09-083	173-340-760	AMD-W	00-09-083	180- 82-204	AMD-P	00-05-083
173-321-080	AMD-W	00-09-083	173-340-800	AMD-W	00-09-083	180- 82-204	AMD	00-09-047
173-322	AMD-W	00-09-083	173-340-810	AMD-W	00-09-083	180- 82-311	NEW-P	00-05-083
173-322-020	AMD-W	00-09-083	173-340-820	AMD-W	00-09-083	180- 82-311	NEW	00-09-047
173-322-030	AMD-W	00-09-083	173-340-830	AMD-W	00-09-083	180- 82-313	NEW-P	00-05-083
173-322-040	AMD-W	00-09-083	173-340-840	AMD-W	00-09-083	180- 82-313	NEW	00-09-047
173-322-050	AMD-W	00-09-083	173-340-850	AMD-W	00-09-083	180- 82-335	NEW-P	00-05-083
173-322-060	AMD-W	00-09-083	173-340-990	NEW-W	00-09-083	180- 82-335	NEW	00-09-047
173-322-070	AMD-W	00-09-083	173-425	AMD	00-07-066	180- 82-340	NEW-P	00-05-083

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 82-340	NEW	00-09-047	196- 31-060	NEW-P	00-04-059	220- 33-01000B	NEW-E	00-05-047
180- 82-341	NEW-P	00-05-083	196- 31-060	NEW	00-08-042	220- 33-01000B	REP-E	00-05-047
180- 82-341	NEW	00-09-047	196- 31-070	NEW-P	00-04-059	220- 33-01000B	REP-E	00-06-011
180- 82-342	AMD-P	00-05-083	196- 31-070	NEW	00-08-042	220- 33-01000C	NEW-E	00-06-011
180- 82-342	AMD	00-09-047	197- 11	PREP	00-07-051	220- 33-01000C	REP-E	00-06-036
180- 82-343	AMD-P	00-05-083	204- 24-030	PREP	00-08-111	220- 33-01000D	NEW-E	00-06-036
180- 82-343	AMD	00-09-047	204- 24-050	AMD	00-03-081	220- 33-040001	REP-E	00-06-017
180- 85-030	PREP	00-05-077	204- 38-030	AMD	00-03-023	220- 33-04000J	NEW-E	00-06-017
192- 12-025	REP	00-05-064	204- 38-040	AMD	00-03-023	220- 33-04000J	REP-E	00-06-017
192- 12-072	REP	00-05-068	204- 38-050	AMD	00-03-023	220- 44-05000A	NEW-E	00-04-041
192- 12-405	REP	00-05-069	208-440	PREP	00-04-074	220- 44-05000Z	REP-E	00-04-041
192- 16-017	REP-E	00-05-063	208-440-010	PREP	00-04-074	220- 48-01500K	NEW-E	00-08-037
192- 16-021	REP-W	00-08-076	208-440-020	PREP	00-04-074	220- 52-040	AMD-W	00-08-077
192-150-005	NEW-E	00-05-063	208-440-040	PREP	00-04-074	220- 52-04000Q	REP-E	00-04-084
192-150-085	NEW-E	00-05-063	208-440-050	PREP	00-04-074	220- 52-04000R	NEW-E	00-04-084
192-170-050	NEW-W	00-08-076	210- 01-120	AMD-P	00-03-040	220- 52-043	AMD-W	00-08-077
192-170-060	NEW-W	00-08-076	210- 01-120	AMD	00-07-003	220- 52-04600U	NEW-E	00-04-084
192-270-005	NEW-E	00-05-063	210- 02-010	NEW-P	00-08-069	220- 52-04600U	REP-E	00-06-009
192-270-010	NEW-E	00-05-063	210- 02-020	NEW-P	00-08-069	220- 52-04600V	REP-E	00-04-084
192-270-015	NEW-E	00-05-063	210- 02-030	NEW-P	00-08-069	220- 52-04600X	NEW-E	00-06-009
192-270-020	NEW-E	00-05-063	210- 02-040	NEW-P	00-08-069	220- 52-04600X	REP-E	00-08-037
192-270-025	NEW-E	00-05-063	210- 02-050	NEW-P	00-08-069	220- 52-04600Y	NEW-E	00-08-037
192-270-030	NEW-E	00-05-063	210- 02-060	NEW-P	00-08-069	220- 52-04600Y	REP-E	00-08-037
192-270-035	NEW-E	00-05-063	210- 02-070	NEW-P	00-08-069	220- 52-04600Y	REP-E	00-08-044
192-270-040	NEW-E	00-05-063	210- 02-080	NEW-P	00-08-069	220- 52-04600Z	NEW-E	00-08-044
192-270-045	NEW-E	00-05-063	210- 02-090	NEW-P	00-08-069	220- 52-04600Z	REP-E	00-08-044
192-270-050	NEW-E	00-05-063	210- 02-100	NEW-P	00-08-069	220- 52-05100A	NEW-E	00-09-055
192-270-055	NEW-E	00-05-063	210- 02-110	NEW-P	00-08-069	220- 52-06900A	NEW-E	00-04-015
192-270-060	NEW-E	00-05-063	210- 02-120	NEW-P	00-08-069	220- 52-071	AMD	00-03-042
192-270-065	NEW-E	00-05-063	210- 02-130	NEW-P	00-08-069	220- 52-073	AMD	00-03-042
192-270-070	NEW-E	00-05-063	210- 02-140	NEW-P	00-08-069	220- 52-07300Q	REP-E	00-03-006
192-300-050	NEW	00-05-068	210- 02-150	NEW-P	00-08-069	220- 52-07300R	NEW-E	00-03-006
192-300-170	NEW	00-05-064	210- 02-160	NEW-P	00-08-069	220- 52-07300R	REP-E	00-03-006
192-300-190	NEW	00-05-067	210- 02-170	NEW-P	00-08-069	220- 52-07300R	REP-E	00-03-044
192-320-050	NEW	00-05-068	210- 02-180	NEW-P	00-08-069	220- 52-07300S	NEW-E	00-03-044
192-320-070	NEW	00-05-069	210- 02-190	NEW-P	00-08-069	220- 52-07300S	REP-E	00-03-044
192-330-100	NEW	00-05-066	210- 02-200	NEW-P	00-08-069	220- 52-07300S	REP-E	00-04-013
192-340-010	NEW	00-05-065	220- 16-257	AMD	00-08-038	220- 52-07300T	NEW-E	00-04-013
194- 20-010	AMD	00-08-039	220- 16-345	AMD	00-08-038	220- 52-07300T	REP-E	00-05-041
194- 20-010	DECOD	00-08-039	220- 16-590	AMD-P	00-06-083	220- 52-07300U	NEW-E	00-05-041
194- 20-020	AMD	00-08-039	220- 16-590	AMD-W	00-07-019	220- 52-07300U	REP-E	00-06-044
194- 20-020	DECOD	00-08-039	220- 16-590	AMD	00-08-038	220- 52-07300V	NEW-E	00-06-044
194- 20-030	AMD	00-08-039	220- 16-730	NEW	00-08-038	220- 52-07300V	REP-E	00-06-044
194- 20-030	DECOD	00-08-039	220- 16-740	NEW-P	00-06-083	220- 52-07300	NEW-E	00-07-064
194- 20-040	AMD	00-08-039	220- 16-740	NEW-W	00-07-019	220- 52-07300	REP-E	00-07-114
194- 20-040	DECOD	00-08-039	220- 16-740	NEW	00-08-038	220- 52-075	AMD	00-05-054
194- 20-050	AMD	00-08-039	220- 16-750	NEW-P	00-06-083	220- 55-005	AMD-P	00-06-084
194- 20-050	DECOD	00-08-039	220- 16-750	NEW-W	00-07-019	220- 55-010	AMD-P	00-06-084
194- 20-060	REP	00-08-039	220- 16-750	NEW	00-08-038	220- 55-015	AMD-P	00-06-084
194- 20-070	REP	00-08-039	220- 20-0i0	AMD	00-08-038	220- 55-070	AMD-P	00-06-084
194- 20-080	AMD	00-08-039	220- 20-015	AMD-P	00-06-083	220- 55-105	AMD-P	00-06-084
194- 20-080	DECOD	00-08-039	220- 20-015	AMD-W	00-07-019	220- 55-110	AMD-P	00-06-084
196- 31-010	NEW-P	00-04-059	220- 20-020	AMD-P	00-06-083	220- 55-115	AMD-P	00-06-084
196- 31-010	NEW	00-08-042	220- 20-020	AMD-W	00-07-019	220- 55-132	NEW-P	00-06-084
196- 31-020	NEW-P	00-04-059	220- 20-025	AMD-P	00-06-083	220- 55-170	AMD-P	00-06-042
196- 31-020	NEW	00-08-042	220- 20-025	AMD-W	00-07-019	220- 55-180	AMD-P	00-06-043
196- 31-030	NEW-P	00-04-059	220- 32-05100R	NEW-E	00-04-071	220- 56-08500U	REP-E	00-08-046
196- 31-030	NEW	00-08-042	220- 32-05100R	REP-E	00-04-071	220- 56-103	AMD	00-08-038
196- 31-040	NEW-P	00-04-059	220- 32-05100R	REP-E	00-07-099	220- 56-105	AMD	00-08-038
196- 31-040	NEW	00-08-042	220- 32-05500Z	NEW-E	00-09-024	220- 56-12800D	NEW-E	00-08-001
196- 31-050	NEW-P	00-04-059	220- 32-05500Z	REP-E	00-09-024	220- 56-12800D	REP-E	00-08-001
196- 31-050	NEW	00-08-042	220- 32-05700E	NEW-E	00-07-109	220- 56-130	AMD	00-08-038

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 56-145	AMD	00-08-038	222- 10-030	NEW-C	00-08-103	222- 24-020	AMD-E	00-06-026
220- 56-175	AMD-P	00-06-084	222- 10-035	NEW-E	00-06-026	222- 24-020	AMD-C	00-08-103
220- 56-175	AMD	00-08-038	222- 12-010	AMD-E	00-06-026	222- 24-025	REP-E	00-06-026
220- 56-185	AMD	00-08-038	222- 12-020	AMD-P	00-08-104	222- 24-026	NEW-E	00-06-026
220- 56-205	AMD	00-08-038	222- 12-041	NEW-E	00-06-026	222- 24-030	AMD-E	00-06-026
220- 56-235	AMD	00-08-038	222- 12-044	NEW-E	00-06-026	222- 24-030	AMD-C	00-08-103
220- 56-23500E	NEW-E	00-08-084	222- 12-044	NEW-C	00-08-103	222- 24-035	AMD-E	00-06-026
220- 56-240	AMD	00-08-038	222- 12-045	AMD-E	00-06-026	222- 24-035	AMD-C	00-08-103
220- 56-250	AMD	00-08-038	222- 12-045	AMD-C	00-08-103	222- 24-040	AMD-E	00-06-026
220- 56-25000A	REP-E	00-08-084	222- 12-090	AMD-E	00-06-026	222- 24-040	AMD-C	00-08-103
220- 56-25000B	NEW-E	00-08-084	222- 12-090	AMD-C	00-08-103	222- 24-050	AMD-E	00-06-026
220- 56-27000G	NEW-E	00-06-017	222- 12-090	AMD-P	00-08-104	222- 24-050	AMD-C	00-08-103
220- 56-27000G	REP-E	00-06-017	222- 16-010	AMD-E	00-06-026	222- 24-051	NEW-E	00-06-026
220- 56-280	AMD	00-08-038	222- 16-010	AMD-C	00-08-103	222- 24-052	NEW-E	00-06-026
220- 56-28500U	NEW-E	00-08-031	222- 16-030	AMD-E	00-06-026	222- 24-060	AMD-E	00-06-026
220- 56-28500U	REP-E	00-08-031	222- 16-030	AMD-C	00-08-103	222- 24-060	AMD-C	00-08-103
220- 56-28500V	NEW-E	00-08-046	222- 16-035	AMD-E	00-06-026	222- 30-010	AMD-E	00-06-026
220- 56-295	AMD	00-08-038	222- 16-036	NEW-E	00-06-026	222- 30-010	AMD-C	00-08-103
220- 56-310	AMD	00-08-038	222- 16-050	AMD-E	00-06-026	222- 30-020	AMD-E	00-06-026
220- 56-315	AMD	00-08-038	222- 16-050	AMD-C	00-08-103	222- 30-020	AMD-C	00-08-103
220- 56-330	AMD	00-08-038	222- 16-080	AMD-E	00-06-026	222- 30-021	NEW-E	00-06-026
220- 56-33000V	REP-E	00-08-037	222- 20-010	AMD-E	00-06-026	222- 30-022	NEW-E	00-06-026
220- 56-33000	NEW-E	00-06-009	222- 20-010	AMD-C	00-08-103	222- 30-023	NEW-E	00-06-026
220- 56-33000	REP-E	00-08-037	222- 20-015	NEW-E	00-06-026	222- 30-040	AMD-E	00-06-026
220- 56-33000X	NEW-E	00-07-098	222- 20-015	NEW-C	00-08-103	222- 30-045	NEW-E	00-06-026
220- 56-33000Y	NEW-E	00-08-037	222- 20-020	AMD-E	00-06-026	222- 30-060	AMD-E	00-06-026
220- 56-33000Y	REP-E	00-09-053	222- 20-020	AMD-C	00-08-103	222- 30-070	AMD-E	00-06-026
220- 56-33000Z	NEW-E	00-09-053	222- 20-055	NEW-E	00-06-026	222- 30-070	AMD-C	00-08-103
220- 56-350	AMD	00-08-038	222- 20-070	AMD-C	00-08-103	222- 38-010	AMD-E	00-06-026
220- 56-35000F	NEW-E	00-08-045	222- 20-080	AMD-E	00-06-026	222- 38-020	AMD-E	00-06-026
220- 56-36000A	REP-E	00-06-010	222- 21-005	NEW-P	00-08-104	222- 38-020	AMD-C	00-08-103
220- 56-36000B	NEW-E	00-06-010	222- 21-010	NEW-P	00-08-104	222- 38-030	AMD-E	00-06-026
220- 56-36000B	REP-E	00-06-010	222- 21-020	NEW-P	00-08-104	222- 38-030	AMD-C	00-08-103
220- 56-36000C	NEW-E	00-09-001	222- 21-030	NEW-P	00-08-104	222- 38-040	AMD-E	00-06-026
220- 56-36000C	REP-E	00-09-001	222- 21-035	NEW-P	00-08-104	222- 46-012	NEW-E	00-06-026
220- 56-36000D	NEW-E	00-09-054	222- 21-040	NEW-P	00-08-104	222- 46-055	NEW-C	00-08-103
220- 56-36000D	REP-E	00-09-054	222- 21-045	NEW-P	00-08-104	222- 46-060	AMD-E	00-06-026
220- 56-372	AMD	00-08-038	222- 21-050	NEW-P	00-08-104	222- 46-060	AMD-C	00-08-103
220- 56-380	AMD	00-08-038	222- 21-060	NEW-P	00-08-104	222- 46-065	AMD-C	00-08-103
220- 56-38000X	NEW-E	00-08-045	222- 21-065	NEW-P	00-08-104	222- 46-070	AMD-E	00-06-026
220- 57-160	AMD	00-08-038	222- 21-070	NEW-P	00-08-104	230- 02-108	AMD-P	00-04-099
220- 57-16000V	NEW-E	00-07-073	222- 21-080	NEW-P	00-08-104	230- 02-108	AMD	00-07-140
220- 57-16000	NEW-E	00-08-006	222- 21-090	NEW-P	00-08-104	230- 02-109	NEW-P	00-05-101
220- 57-17000U	NEW-E	00-07-002	222- 22-010	AMD-C	00-08-103	230- 02-109	NEW	00-09-052
220- 57-18700D	NEW-E	00-07-002	222- 22-030	AMD-C	00-08-103	230- 02-110	AMD-P	00-05-101
220- 57-25500G	NEW-E	00-07-002	222- 22-035	NEW-C	00-08-103	230- 02-110	AMD	00-09-052
220- 57-31500J	NEW-E	00-08-022	222- 22-040	AMD-C	00-08-103	230- 02-123	AMD-P	00-04-099
220- 57-31500J	REP-E	00-08-022	222- 22-050	AMD-C	00-08-103	230- 02-123	AMD	00-07-140
220- 57-31900Z	NEW-E	00-07-002	222- 22-060	AMD-C	00-08-103	230- 02-183	AMD-P	00-04-099
220- 57-32100D	NEW-E	00-08-022	222- 22-065	NEW-C	00-08-103	230- 02-183	AMD	00-07-140
220- 57-32100D	REP-E	00-08-022	222- 22-070	AMD-E	00-06-026	230- 02-205	AMD	00-05-102
220- 57-34500A	NEW-E	00-03-007	222- 22-070	AMD-C	00-08-103	230- 02-206	AMD	00-05-102
220- 57-34500A	REP-E	00-03-007	222- 22-075	NEW-E	00-06-026	230- 02-380	AMD-W	00-02-067
220- 57-50500G	NEW-E	00-08-022	222- 22-075	NEW-C	00-08-103	230- 02-400	REP-P	00-05-101
220- 57-51500S	NEW-E	00-08-022	222- 22-076	NEW-E	00-06-026	230- 02-400	REP	00-09-052
220- 57-51500S	REP-E	00-08-022	222- 22-076	NEW-C	00-08-103	230- 02-415	AMD-P	00-05-101
220- 69-236	AMD-P	00-06-084	222- 22-080	AMD-E	00-06-026	230- 02-415	AMD	00-09-052
222- 08-035	AMD-E	00-06-026	222- 22-090	AMD-E	00-06-026	230- 02-425	REP-P	00-05-101
222- 08-035	AMD-C	00-08-103	222- 22-090	AMD-C	00-08-103	230- 02-425	REP	00-09-052
222- 10-010	AMD-E	00-06-026	222- 24-010	AMD-E	00-06-026	230- 04-022	AMD-P	00-05-101
222- 10-020	NEW-C	00-08-103	222- 24-010	AMD-C	00-08-103	230- 04-022	AMD	00-09-052
222- 10-030	NEW-E	00-06-026	222- 24-015	NEW-E	00-06-026	230- 04-119	AMD	00-05-102

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-04-140	AMD-P	00-05-101	230-40-120	AMD-P	00-05-101	230-40-845	NEW	00-09-052
230-04-140	AMD	00-09-052	230-40-120	AMD	00-09-052	230-40-850	NEW-P	00-05-101
230-04-142	REP-P	00-05-101	230-40-125	REP-P	00-05-101	230-40-850	NEW	00-09-052
230-04-203	AMD-P	00-05-101	230-40-125	AMD	00-09-052	230-40-855	NEW-P	00-05-101
230-04-204	AMD-P	00-05-101	230-40-125	AMD	00-09-087	230-40-855	NEW	00-09-052
230-04-207	NEW-P	00-05-101	230-40-130	AMD-P	00-05-101	230-40-860	NEW-P	00-05-101
230-04-207	NEW	00-09-052	230-40-130	AMD	00-09-052	230-40-860	NEW	00-09-052
230-04-255	AMD-P	00-05-101	230-40-150	REP-P	00-05-101	230-40-865	NEW-P	00-05-101
230-04-255	AMD	00-09-052	230-40-150	REP	00-09-052	230-40-865	NEW	00-09-052
230-04-450	AMD-P	00-05-101	230-40-160	REP-P	00-05-101	230-40-870	NEW-P	00-05-101
230-04-450	AMD	00-09-052	230-40-160	REP	00-09-052	230-40-870	NEW	00-09-052
230-08-027	NEW-P	00-05-101	230-40-200	AMD-P	00-05-101	230-40-875	NEW-P	00-05-101
230-08-027	NEW	00-09-052	230-40-200	AMD	00-09-052	230-40-875	NEW	00-09-052
230-08-040	AMD-P	00-05-101	230-40-225	AMD-P	00-05-101	230-40-880	NEW-P	00-05-101
230-08-040	AMD	00-09-052	230-40-225	AMD	00-09-052	230-40-880	NEW	00-09-052
230-08-080	AMD-P	00-04-099	230-40-400	AMD-P	00-05-101	230-40-885	NEW-P	00-05-101
230-08-080	AMD	00-07-140	230-40-400	AMD	00-09-052	230-40-885	NEW	00-09-052
230-08-090	AMD-P	00-05-101	230-40-550	NEW-P	00-05-101	230-40-890	NEW-P	00-05-101
230-08-090	AMD	00-09-052	230-40-550	NEW	00-09-052	230-40-890	NEW	00-09-052
230-08-100	REP-P	00-04-099	230-40-552	NEW-P	00-05-101	230-40-895	NEW-P	00-05-101
230-08-100	REP	00-07-140	230-40-552	NEW	00-09-052	230-40-895	NEW	00-09-052
230-08-105	AMD-P	00-04-099	230-40-554	NEW-P	00-05-101	230-40-897	NEW-P	00-05-101
230-08-105	AMD	00-07-140	230-40-554	NEW	00-09-052	230-40-897	NEW	00-09-052
230-08-160	AMD-P	00-05-101	230-40-556	NEW-P	00-05-101	230-40-900	REP-P	00-05-101
230-08-160	AMD	00-09-052	230-40-556	NEW	00-09-052	230-40-900	REP	00-09-052
230-12-050	AMD-P	00-04-099	230-40-558	NEW-P	00-05-101	230-46-020	AMD-W	00-07-070
230-12-050	AMD-P	00-05-101	230-40-558	NEW	00-09-052	230-46-035	NEW-W	00-07-070
230-12-050	AMD	00-07-140	230-40-560	NEW-P	00-05-101	230-50-010	AMD-P	00-05-101
230-12-050	AMD	00-09-052	230-40-560	NEW	00-09-052	230-50-010	AMD	00-09-052
230-12-072	NEW-P	00-05-101	230-40-562	NEW-P	00-05-101	232-12-011	AMD	00-04-017
230-12-072	NEW	00-09-052	230-40-562	NEW	00-09-052	232-12-011	AMD-P	00-06-083
230-12-073	NEW-P	00-05-101	230-40-600	NEW-P	00-05-101	232-12-011	AMD-P	00-06-100
230-12-073	NEW	00-09-052	230-40-600	NEW	00-09-052	232-12-011	AMD-W	00-07-019
230-12-078	AMD-P	00-04-099	230-40-610	NEW-P	00-05-101	232-12-014	AMD	00-04-017
230-12-078	AMD	00-07-140	230-40-610	NEW	00-09-052	232-12-018	REP	00-08-038
230-12-310	AMD-P	00-05-103	230-40-615	NEW-P	00-05-101	232-12-047	AMD-P	00-06-088
230-12-310	AMD	00-09-051	230-40-615	NEW	00-09-052	232-12-051	AMD-P	00-06-089
230-20-110	REP-P	00-04-099	230-40-800	NEW-P	00-05-101	232-12-054	AMD-P	00-06-090
230-20-110	REP	00-07-140	230-40-800	NEW	00-09-052	232-12-068	AMD-P	00-06-091
230-20-120	REP-P	00-04-099	230-40-803	NEW-P	00-05-101	232-12-161	REP-XR	00-08-027
230-20-120	REP	00-07-140	230-40-803	NEW	00-09-052	232-12-168	AMD	00-08-038
230-20-220	AMD-P	00-04-099	230-40-805	NEW-P	00-05-101	232-12-257	AMD-W	00-02-066
230-20-220	AMD	00-07-140	230-40-805	NEW	00-09-052	232-12-257	AMD-P	00-06-094
230-20-243	AMD-P	00-04-099	230-40-810	NEW-P	00-05-101	232-12-31500G	NEW-E	00-04-014
230-20-243	AMD	00-07-140	230-40-810	NEW	00-09-052	232-12-619	AMD	00-08-038
230-20-244	AMD-P	00-04-099	230-40-815	NEW-P	00-05-101	232-16-700	AMD-P	00-06-093
230-20-244	AMD	00-07-140	230-40-815	NEW	00-09-052	232-28-02201	AMD	00-04-017
230-40-010	AMD-P	00-05-101	230-40-820	NEW-P	00-05-101	232-28-02202	AMD	00-04-017
230-40-010	AMD	00-09-052	230-40-820	NEW	00-09-052	232-28-02202	AMD-P	00-06-097
230-40-015	REP-P	00-05-101	230-40-823	NEW-P	00-05-101	232-28-02203	AMD	00-04-017
230-40-015	REP	00-09-052	230-40-823	NEW	00-09-052	232-28-02204	AMD	00-04-017
230-40-030	AMD-P	00-05-101	230-40-825	NEW-P	00-05-101	232-28-02205	AMD	00-04-017
230-40-030	AMD	00-09-052	230-40-825	NEW	00-09-052	232-28-02206	AMD	00-04-017
230-40-040	NEW-P	00-05-101	230-40-830	NEW-P	00-05-101	232-28-02220	AMD	00-04-017
230-40-040	NEW	00-09-052	230-40-830	NEW	00-09-052	232-28-02240	AMD	00-04-017
230-40-050	AMD-P	00-05-101	230-40-833	NEW-P	00-05-101	232-28-24102	REP	00-04-017
230-40-050	AMD	00-09-052	230-40-833	NEW	00-09-052	232-28-248	AMD-P	00-06-095
230-40-055	AMD-P	00-07-139	230-40-835	NEW-P	00-05-101	232-28-255	REP	00-04-017
230-40-060	REP-P	00-05-101	230-40-835	NEW	00-09-052	232-28-26000A	NEW-E	00-03-025
230-40-060	REP	00-09-052	230-40-840	NEW-P	00-05-101	232-28-261	REP	00-04-017
230-40-070	AMD-P	00-05-101	230-40-840	NEW	00-09-052	232-28-262	REP	00-04-017
230-40-070	AMD	00-09-052	230-40-845	NEW-P	00-05-101	232-28-263	REP	00-04-017

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-266	AMD-P	00-06-096	246-235-075	AMD	00-07-085	246-243-250	NEW	00-08-013
232- 28-269	REP	00-04-017	246-235-080	AMD-P	00-04-088	246-246-001	NEW	00-07-085
232- 28-270	REP	00-04-017	246-235-080	AMD	00-08-013	246-246-010	NEW	00-07-085
232- 28-271	AMD	00-04-017	246-235-084	NEW-P	00-04-088	246-246-020	NEW	00-07-085
232- 28-272	AMD-P	00-06-099	246-235-084	NEW	00-08-013	246-246-030	NEW	00-07-085
232- 28-273	AMD-P	00-06-092	246-235-086	NEW-P	00-04-088	246-246-040	NEW	00-07-085
232- 28-275	AMD	00-04-017	246-235-086	NEW	00-08-013	246-246-050	NEW	00-07-085
232- 28-276	NEW-P	00-06-086	246-235-090	AMD-P	00-04-088	246-246-060	NEW	00-07-085
232- 28-277	NEW	00-04-017	246-235-090	AMD	00-08-013	246-252-001	AMD-P	00-04-088
232- 28-278	NEW-P	00-06-087	246-243-020	AMD-P	00-04-088	246-252-001	AMD	00-08-013
232- 28-279	NEW-P	00-06-085	246-243-020	AMD	00-08-013	246-252-030	AMD-P	00-04-088
232- 28-619	AMD	00-08-038	246-243-030	AMD-P	00-04-088	246-252-030	AMD	00-08-013
232- 28-61900D	NEW-E	00-03-041	246-243-030	AMD	00-08-013	246-254-150	AMD-P	00-04-088
232- 28-61900D	REP-E	00-03-041	246-243-042	NEW-P	00-04-088	246-254-150	AMD	00-08-013
232- 28-61900D	REP-E	00-03-055	246-243-042	NEW	00-08-013	246-323	PREP	00-05-097
232- 28-61900E	NEW-E	00-03-055	246-243-044	NEW-P	00-04-088	246-325	PREP	00-05-097
232- 28-61900E	REP-E	00-03-055	246-243-044	NEW	00-08-013	246-326	PREP	00-05-097
232- 28-61900E	REP-E	00-05-085	246-243-047	NEW-P	00-04-088	246-338-001	AMD-P	00-03-073
232- 28-61900F	NEW-E	00-05-085	246-243-047	NEW	00-08-013	246-338-001	AMD	00-06-079
232- 28-61900F	REP-E	00-05-085	246-243-050	AMD-P	00-04-088	246-338-010	AMD-P	00-03-073
232- 28-61900G	NEW-E	00-06-008	246-243-050	AMD	00-08-013	246-338-010	AMD	00-06-079
232- 28-61900H	NEW-E	00-07-001	246-243-060	AMD-P	00-04-088	246-338-020	AMD-P	00-03-073
232- 28-61900I	NEW-E	00-07-073	246-243-060	AMD	00-08-013	246-338-020	AMD	00-06-079
232- 28-61900I	REP-E	00-07-073	246-243-080	AMD-P	00-04-088	246-338-022	NEW-P	00-03-073
232- 28-61900J	NEW-E	00-08-006	246-243-080	AMD	00-08-013	246-338-022	NEW	00-06-079
232- 28-61900K	NEW-E	00-08-001	246-243-090	AMD-P	00-04-088	246-338-024	NEW-P	00-03-073
232- 28-61900K	REP-E	00-08-001	246-243-090	AMD	00-08-013	246-338-024	NEW	00-06-079
236- 18-040	AMD	00-06-052	246-243-100	AMD-P	00-04-088	246-338-026	NEW-P	00-03-073
236- 18-070	AMD	00-06-052	246-243-100	AMD	00-08-013	246-338-026	NEW	00-06-079
236- 18-080	AMD	00-06-052	246-243-110	AMD-P	00-04-088	246-338-028	NEW-P	00-03-073
236- 70-040	AMD	00-08-040	246-243-110	AMD	00-08-013	246-338-028	NEW	00-06-079
236- 70-050	AMD	00-08-040	246-243-120	AMD-P	00-04-088	246-338-030	REP-P	00-03-073
236- 70-060	AMD	00-08-040	246-243-120	AMD	00-08-013	246-338-030	REP	00-06-079
236- 70-080	AMD	00-08-040	246-243-130	AMD-P	00-04-088	246-338-040	AMD-P	00-03-073
236-200-010	RECOD	00-08-039	246-243-130	AMD	00-08-013	246-338-040	AMD	00-06-079
236-200-020	RECOD	00-08-039	246-243-140	AMD-P	00-04-088	246-338-050	AMD-P	00-03-073
236-200-030	RECOD	00-08-039	246-243-140	AMD	00-08-013	246-338-050	AMD	00-06-079
236-200-040	RECOD	00-08-039	246-243-141	NEW-P	00-04-088	246-338-060	AMD-P	00-03-073
236-200-050	RECOD	00-08-039	246-243-141	NEW	00-08-013	246-338-060	AMD	00-06-079
236-200-060	RECOD	00-08-039	246-243-150	AMD-P	00-04-088	246-338-070	AMD-P	00-03-073
242- 02-052	AMD-P	00-05-021	246-243-150	AMD	00-08-013	246-338-070	AMD	00-06-079
242- 02-052	AMD	00-09-094	246-243-160	AMD-P	00-04-088	246-338-080	AMD-P	00-03-073
242- 02-255	NEW-P	00-05-021	246-243-160	AMD	00-08-013	246-338-080	AMD	00-06-079
242- 02-255	NEW	00-09-094	246-243-170	AMD-P	00-04-088	246-338-090	AMD-P	00-03-073
242- 02-522	AMD-P	00-05-021	246-243-170	AMD	00-08-013	246-338-090	AMD	00-06-079
242- 02-522	AMD	00-09-094	246-243-180	AMD-P	00-04-088	246-338-100	AMD-P	00-03-073
242- 02-832	AMD-P	00-05-021	246-243-180	AMD	00-08-013	246-338-100	AMD	00-06-079
242- 02-832	AMD	00-09-094	246-243-190	AMD-P	00-04-088	246-338-110	AMD-P	00-03-073
242- 02-834	AMD-P	00-05-021	246-243-190	AMD	00-08-013	246-338-110	AMD	00-06-079
242- 02-834	AMD	00-09-094	246-243-195	AMD-P	00-04-088	246-358-001	AMD	00-06-082
242- 04-030	AMD-P	00-05-021	246-243-195	AMD	00-08-013	246-358-010	AMD	00-06-082
242- 04-030	AMD	00-09-094	246-243-200	AMD-P	00-04-088	246-358-020	REP	00-06-082
242- 04-050	AMD-P	00-05-021	246-243-200	AMD	00-08-013	246-358-025	AMD	00-06-082
242- 04-050	AMD	00-09-094	246-243-203	NEW-P	00-04-088	246-358-027	NEW	00-06-082
246-220-007	AMD-P	00-04-088	246-243-203	NEW	00-08-013	246-358-029	NEW	00-06-082
246-220-007	AMD	00-08-013	246-243-210	REP-P	00-04-088	246-358-030	REP	00-06-082
246-220-010	AMD-P	00-04-088	246-243-210	REP	00-08-013	246-358-040	NEW	00-06-082
246-220-010	AMD	00-08-013	246-243-220	AMD-P	00-04-088	246-358-045	AMD	00-06-082
246-221-020	AMD-P	00-04-088	246-243-220	AMD	00-08-013	246-358-055	AMD	00-06-082
246-221-020	AMD	00-08-013	246-243-230	AMD-P	00-04-088	246-358-065	AMD	00-06-082
246-221-270	AMD	00-07-085	246-243-230	AMD	00-08-013	246-358-070	NEW	00-06-082
246-232-060	AMD	00-07-085	246-243-250	NEW-P	00-04-088	246-358-075	AMD	00-06-082

**TABLE**

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-358-090	AMD	00-06-082	246-780-040	AMD	00-07-129	246-901-140	NEW-P	00-08-101
246-358-095	AMD	00-06-082	246-780-050	REP-P	00-03-074	246-930-010	PREP	00-08-099
246-358-100	AMD	00-06-082	246-780-050	REP	00-07-129	246-930-030	PREP	00-08-099
246-358-125	AMD	00-06-082	246-780-060	AMD-P	00-03-074	246-930-040	PREP	00-08-099
246-358-135	AMD	00-06-082	246-780-060	AMD	00-07-129	246-930-200	PREP	00-08-099
246-358-140	REP	00-06-082	246-780-070	REP-P	00-03-074	246-930-410	PREP	00-08-099
246-358-145	AMD	00-06-082	246-780-070	REP	00-07-129	246-976-001	AMD-P	00-03-075
246-358-155	AMD	00-06-082	246-790	AMD-P	00-07-084	246-976-001	AMD	00-08-102
246-358-165	AMD	00-06-082	246-790-010	AMD-P	00-07-084	246-976-010	AMD-P	00-03-075
246-358-175	AMD	00-06-082	246-790-050	AMD-P	00-07-084	246-976-010	AMD	00-08-102
246-358-600	REP	00-06-082	246-790-060	AMD-P	00-07-084	246-976-020	REP-P	00-03-075
246-358-610	REP	00-06-082	246-790-065	NEW-P	00-07-084	246-976-020	REP	00-08-102
246-358-620	REP	00-06-082	246-790-070	AMD-P	00-07-084	246-976-021	NEW-P	00-03-075
246-358-630	REP	00-06-082	246-790-080	AMD-P	00-07-084	246-976-021	NEW	00-08-102
246-358-640	REP	00-06-082	246-790-085	AMD-P	00-07-084	246-976-025	REP-P	00-03-075
246-358-650	REP	00-06-082	246-790-090	AMD-P	00-07-084	246-976-025	REP	00-08-102
246-358-660	REP	00-06-082	246-790-100	AMD-P	00-07-084	246-976-030	REP-P	00-03-075
246-358-670	REP	00-06-082	246-790-120	AMD-P	00-07-084	246-976-030	REP	00-08-102
246-358-680	REP	00-06-082	246-790-130	AMD-P	00-07-084	246-976-031	NEW-P	00-03-075
246-361-001	NEW	00-06-082	246-808-700	REP-XR	00-04-087	246-976-031	NEW	00-08-102
246-361-010	NEW	00-06-082	246-810-600	NEW	00-03-075A	246-976-035	REP-P	00-03-075
246-361-020	NEW	00-06-082	246-810-610	NEW	00-03-075A	246-976-035	REP	00-08-102
246-361-025	NEW	00-06-082	246-810-620	NEW	00-03-075A	246-976-040	REP-P	00-03-075
246-361-030	NEW	00-06-082	246-810-630	NEW	00-03-075A	246-976-040	REP	00-08-102
246-361-035	NEW	00-06-082	246-810-640	NEW	00-03-075A	246-976-041	NEW-P	00-03-075
246-361-045	NEW	00-06-082	246-810-650	NEW	00-03-075A	246-976-041	NEW	00-08-102
246-361-055	NEW	00-06-082	246-810-660	NEW	00-03-075A	246-976-045	REP-P	00-03-075
246-361-065	NEW	00-06-082	246-811-090	NEW-P	00-08-100	246-976-045	REP	00-08-102
246-361-070	NEW	00-06-082	246-811-100	NEW-P	00-08-100	246-976-050	REP-P	00-03-075
246-361-075	NEW	00-06-082	246-811-110	NEW-P	00-08-100	246-976-050	REP	00-08-102
246-361-080	NEW	00-06-082	246-812-990	AMD	00-07-050	246-976-055	REP-P	00-03-075
246-361-090	NEW	00-06-082	246-830-485	NEW	00-07-086	246-976-055	REP	00-08-102
246-361-095	NEW	00-06-082	246-841-400	PREP	00-03-072	246-976-060	REP-P	00-03-075
246-361-100	NEW	00-06-082	246-841-410	PREP	00-03-072	246-976-060	REP	00-08-102
246-361-125	NEW	00-06-082	246-841-420	PREP	00-03-072	246-976-065	REP-P	00-03-075
246-361-135	NEW	00-06-082	246-841-430	PREP	00-03-072	246-976-065	REP	00-08-102
246-361-145	NEW	00-06-082	246-841-440	PREP	00-03-072	246-976-070	REP-P	00-03-075
246-361-155	NEW	00-06-082	246-841-450	PREP	00-03-072	246-976-070	REP	00-08-102
246-361-165	NEW	00-06-082	246-841-460	PREP	00-03-072	246-976-075	REP-P	00-03-075
246-361-175	NEW	00-06-082	246-841-470	PREP	00-03-072	246-976-075	REP	00-08-102
246-361-990	NEW	00-06-082	246-841-480	PREP	00-03-072	246-976-076	REP-P	00-03-075
246-490-010	NEW-P	00-05-098	246-841-490	PREP	00-03-072	246-976-076	REP	00-08-102
246-490-020	NEW-P	00-05-098	246-841-500	PREP	00-03-072	246-976-077	REP-P	00-03-075
246-490-030	NEW-P	00-05-098	246-841-510	PREP	00-03-072	246-976-077	REP	00-08-102
246-490-055	NEW-P	00-05-098	246-883-020	AMD	00-06-078	246-976-080	REP-P	00-03-075
246-490-065	NEW-P	00-05-098	246-887-160	AMD-P	00-06-080	246-976-080	REP	00-08-102
246-490-070	NEW-P	00-05-098	246-901	AMD-P	00-08-101	246-976-085	REP-P	00-03-075
246-780-001	AMD-P	00-03-074	246-901-010	AMD-P	00-08-101	246-976-085	REP	00-08-102
246-780-001	AMD	00-07-129	246-901-020	AMD-P	00-08-101	246-976-110	REP-P	00-03-075
246-780-010	AMD-P	00-03-074	246-901-030	AMD-P	00-08-101	246-976-110	REP	00-08-102
246-780-010	AMD	00-07-129	246-901-035	AMD-P	00-08-101	246-976-120	REP-P	00-03-075
246-780-020	AMD-P	00-03-074	246-901-040	AMD-P	00-08-101	246-976-120	REP	00-08-102
246-780-020	AMD	00-07-129	246-901-050	AMD-P	00-08-101	246-976-140	REP-P	00-03-075
246-780-022	NEW-P	00-03-074	246-901-060	AMD-P	00-08-101	246-976-140	REP	00-08-102
246-780-022	NEW	00-07-129	246-901-065	AMD-P	00-08-101	246-976-141	NEW-P	00-03-075
246-780-025	NEW-P	00-03-074	246-901-070	AMD-P	00-08-101	246-976-141	NEW	00-08-102
246-780-025	NEW	00-07-129	246-901-080	AMD-P	00-08-101	246-976-150	REP-P	00-03-075
246-780-028	NEW-P	00-03-074	246-901-090	AMD-P	00-08-101	246-976-150	REP	00-08-102
246-780-028	NEW	00-07-129	246-901-100	AMD-P	00-08-101	246-976-151	NEW-P	00-03-075
246-780-030	AMD-P	00-03-074	246-901-110	REP-P	00-08-101	246-976-151	NEW	00-08-102
246-780-030	AMD	00-07-129	246-901-120	AMD-P	00-08-101	246-976-160	REP-P	00-03-075
246-780-040	AMD-P	00-03-074	246-901-130	AMD-P	00-08-101	246-976-160	REP	00-08-102

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246-976-161	NEW-P	00-03-075	246-976-890	AMD-P	00-03-075	251-19-085	NEW-P	00-06-048
246-976-161	NEW	00-08-102	246-976-890	AMD	00-08-102	251-20-020	AMD-P	00-04-053
246-976-165	REP-P	00-03-075	246-976-910	AMD-P	00-03-075	251-20-020	AMD-W	00-05-060
246-976-165	REP	00-08-102	246-976-910	AMD	00-08-102	251-20-020	AMD-C	00-06-051
246-976-170	REP-P	00-03-075	246-976-920	AMD-P	00-03-075	251-20-030	AMD-P	00-04-053
246-976-170	REP	00-08-102	246-976-920	AMD	00-08-102	251-20-030	AMD-W	00-05-060
246-976-171	NEW-P	00-03-075	246-976-930	AMD-P	00-03-075	251-20-030	AMD-C	00-06-051
246-976-171	NEW	00-08-102	246-976-930	AMD	00-08-102	251-23-040	AMD-P	00-04-052
246-976-180	REP-P	00-03-075	246-976-940	AMD-P	00-03-075	251-23-040	AMD-C	00-06-050
246-976-180	REP	00-08-102	246-976-940	AMD	00-08-102	260-28-230	AMD	00-06-072
246-976-181	REP-P	00-03-075	246-976-950	AMD-P	00-03-075	260-34-030	AMD-P	00-03-088
246-976-181	REP	00-08-102	246-976-950	AMD	00-08-102	260-34-030	AMD	00-07-038
246-976-182	NEW-P	00-03-075	246-976-960	AMD-P	00-03-075	260-34-080	AMD-P	00-03-088
246-976-182	NEW	00-08-102	246-976-960	AMD	00-08-102	260-34-080	AMD	00-07-038
246-976-190	REP-P	00-03-075	246-976-970	AMD-P	00-03-075	260-34-090	AMD-P	00-03-088
246-976-190	REP	00-08-102	246-976-970	AMD	00-08-102	260-34-090	AMD	00-07-038
246-976-191	NEW-P	00-03-075	246-976-990	AMD-P	00-03-075	260-34-100	AMD-P	00-03-088
246-976-191	NEW	00-08-102	246-976-990	AMD	00-08-102	260-34-100	AMD	00-07-038
246-976-200	REP-P	00-03-075	250-66-020	AMD	00-08-081	260-34-140	AMD-P	00-03-088
246-976-200	REP	00-08-102	250-66-030	AMD	00-08-081	260-34-140	AMD-W	00-07-037
246-976-210	REP-P	00-03-075	250-66-040	AMD	00-08-081	260-34-150	AMD-P	00-03-088
246-976-210	REP	00-08-102	250-66-045	NEW	00-08-081	260-34-150	AMD-W	00-07-037
246-976-220	REP-P	00-03-075	250-66-050	AMD	00-08-081	260-40-100	AMD-P	00-03-089
246-976-220	REP	00-08-102	250-80-010	NEW	00-08-082	260-40-100	AMD	00-07-039
246-976-230	REP-P	00-03-075	250-80-010	NEW-E	00-08-083	260-44-070	AMD	00-06-071
246-976-230	REP	00-08-102	250-80-020	NEW	00-08-082	260-48-600	AMD	00-06-070
246-976-240	REP-P	00-03-075	250-80-020	NEW-E	00-08-083	260-48-620	AMD	00-06-070
246-976-240	REP	00-08-102	250-80-030	NEW	00-08-082	260-52-010	AMD	00-06-069
246-976-260	AMD-P	00-03-075	250-80-030	NEW-E	00-08-083	260-52-030	AMD	00-06-069
246-976-260	AMD	00-08-102	250-80-040	NEW	00-08-082	260-52-040	AMD	00-06-069
246-976-270	AMD-P	00-03-075	250-80-040	NEW-E	00-08-083	260-52-060	AMD-P	00-03-091
246-976-270	AMD	00-08-102	250-80-050	NEW	00-08-082	260-52-060	AMD	00-07-041
246-976-280	REP-P	00-03-075	250-80-050	NEW-E	00-08-083	260-70-700	AMD-P	00-03-092
246-976-280	REP	00-08-102	250-80-060	NEW	00-08-082	260-70-700	AMD	00-07-042
246-976-290	AMD-P	00-03-075	250-80-060	NEW-E	00-08-083	260-75-020	NEW-P	00-03-090
246-976-290	AMD	00-08-102	250-80-070	NEW	00-08-082	260-75-020	NEW	00-07-040
246-976-300	AMD-P	00-03-075	250-80-070	NEW-E	00-08-083	260-75-030	NEW-P	00-03-090
246-976-300	AMD	00-08-102	250-80-080	NEW	00-08-082	260-75-030	NEW	00-07-040
246-976-310	AMD-P	00-03-075	250-80-080	NEW-E	00-08-083	260-88-010	AMD-P	00-03-093
246-976-310	AMD	00-08-102	250-80-090	NEW	00-08-082	260-88-010	AMD	00-07-043
246-976-320	AMD-P	00-03-075	250-80-090	NEW-E	00-08-083	262-01-140	NEW	00-06-030
246-976-320	AMD	00-08-102	250-80-100	NEW	00-08-082	275-35	PREP	00-03-028
246-976-330	AMD-P	00-03-075	250-80-100	NEW-E	00-08-083	275-54	PREP	00-08-048
246-976-330	AMD	00-08-102	250-81-010	NEW-P	00-05-084	275-55	PREP	00-08-048
246-976-340	AMD-P	00-03-075	250-81-010	NEW	00-08-080	275-57	PREP	00-08-048
246-976-340	AMD	00-08-102	250-81-020	NEW-P	00-05-084	284-02-070	AMD-E	00-08-011
246-976-350	REP-P	00-03-075	250-81-020	NEW	00-08-080	284-43-120	AMD	00-04-034
246-976-350	REP	00-08-102	250-81-030	NEW-P	00-05-084	284-43-125	NEW	00-04-034
246-976-370	REP-P	00-03-075	250-81-030	NEW	00-08-080	284-43-200	AMD	00-04-034
246-976-370	REP	00-08-102	250-81-040	NEW-P	00-05-084	284-43-210	AMD	00-04-034
246-976-390	AMD-P	00-03-075	250-81-040	NEW	00-08-080	284-43-220	AMD	00-04-034
246-976-390	AMD	00-08-102	250-81-050	NEW-P	00-05-084	284-43-250	AMD	00-04-034
246-976-400	AMD-P	00-03-075	250-81-050	NEW	00-08-080	284-43-710	AMD	00-04-034
246-976-400	AMD	00-08-102	250-81-060	NEW-P	00-05-084	284-43-710	AMD-E	00-08-011
246-976-420	AMD-P	00-03-075	250-81-060	NEW	00-08-080	284-43-720	AMD	00-04-034
246-976-420	AMD	00-08-102	251-01-345	AMD-P	00-04-053	284-43-720	AMD-E	00-08-011
246-976-430	AMD-P	00-03-075	251-01-345	AMD-W	00-05-060	284-43-730	AMD-E	00-08-011
246-976-430	AMD	00-08-102	251-01-345	AMD-C	00-06-051	284-43-915	AMD-E	00-08-011
246-976-440	REP-P	00-03-075	251-08-115	AMD-P	00-04-052	284-43-930	AMD-E	00-08-011
246-976-440	REP	00-08-102	251-08-115	AMD-C	00-06-050	284-43-945	AMD-E	00-08-011
246-976-450	REP-P	00-03-075	251-09-080	AMD-P	00-04-052	284-74-300	NEW-P	00-04-090
246-976-450	REP	00-08-102	251-09-080	AMD-C	00-06-050	284-74-300	NEW	00-07-069

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284- 74-310	NEW-P	00-04-090	296- 17-779	AMD-P	00-07-138	296- 24-86020	NEW	00-08-078
284- 74-310	NEW	00-07-069	296- 17-855	AMD-P	00-07-138	296- 24-861	NEW	00-08-078
284- 74-320	NEW-P	00-04-090	296- 17-885	AMD-P	00-07-138	296- 24-86105	NEW	00-08-078
284- 74-320	NEW	00-07-069	296- 17-895	AMD-P	00-07-138	296- 24-86110	NEW	00-08-078
284- 74-330	NEW-P	00-04-090	296- 18A	PREP	00-05-002	296- 24-86115	NEW	00-08-078
284- 74-330	NEW	00-07-069	296- 20-022	AMD-P	00-05-111	296- 24-86120	NEW	00-08-078
284- 74-340	NEW-P	00-04-090	296- 20-022	AMD	00-09-078	296- 24-86125	NEW	00-08-078
284- 74-340	NEW	00-07-069	296- 20-12401	NEW-P	00-05-111	296- 24-86130	NEW	00-08-078
284- 74-350	NEW-P	00-04-090	296- 20-12401	NEW	00-09-078	296- 24-862	NEW	00-08-078
284- 74-350	NEW	00-07-069	296- 20-135	AMD-P	00-05-112	296- 24-870	REP	00-08-078
284- 74-360	NEW-P	00-04-090	296- 20-135	AMD	00-09-077	296- 24-87001	REP	00-08-078
284- 74-360	NEW	00-07-069	296- 21-290	AMD-P	00-05-111	296- 24-87009	REP	00-08-078
284- 74-370	NEW-P	00-04-090	296- 21-290	AMD	00-09-078	296- 24-87011	REP	00-08-078
284- 74-370	NEW	00-07-069	296- 23-220	AMD-P	00-05-112	296- 24-87013	REP	00-08-078
284- 74-380	NEW-P	00-04-090	296- 23-220	AMD	00-09-077	296- 24-87015	REP	00-08-078
284- 74-380	NEW	00-07-069	296- 23-230	AMD-P	00-05-112	296- 24-87017	REP	00-08-078
286- 40-020	AMD	00-05-008	296- 23-230	AMD	00-09-077	296- 24-87019	REP	00-08-078
296- 17	PREP	00-02-090	296- 23A-0200	AMD	00-06-027	296- 24-87031	REP	00-08-078
296- 17-31011	AMD-P	00-07-138	296- 23A-0210	AMD	00-06-027	296- 24-87033	REP	00-08-078
296- 17-31012	AMD-P	00-07-138	296- 23A-0220	AMD	00-06-027	296- 24-87035	REP	00-08-078
296- 17-31021	AMD-P	00-07-138	296- 23A-0230	AMD-P	00-05-111	296- 24-87037	REP	00-08-078
296- 17-501	AMD-P	00-07-138	296- 23A-0230	AMD	00-09-078	296- 24-875	NEW	00-08-078
296- 17-50601	AMD-P	00-07-138	296- 23A-0240	AMD	00-06-027	296- 24-87505	NEW	00-08-078
296- 17-510	AMD-P	00-07-138	296- 24	PREP	00-05-057	296- 24-87510	NEW	00-08-078
296- 17-521	AMD-P	00-07-138	296- 24-14519	AMD	00-08-078	296- 24-87515	NEW	00-08-078
296- 17-52102	AMD-P	00-07-138	296- 24-23027	AMD	00-08-078	296- 24-880	NEW	00-08-078
296- 17-52106	AMD-P	00-07-138	296- 24-23533	AMD	00-08-078	296- 24-88005	NEW	00-08-078
296- 17-527	AMD-P	00-07-138	296- 24-825	REP	00-08-078	296- 24-88010	NEW	00-08-078
296- 17-529	AMD-P	00-07-138	296- 24-82501	REP	00-08-078	296- 24-88015	NEW	00-08-078
296- 17-537	AMD-P	00-07-138	296- 24-82503	REP	00-08-078	296- 24-88020	NEW	00-08-078
296- 17-53803	AMD-P	00-07-138	296- 24-82505	REP	00-08-078	296- 24-88025	NEW	00-08-078
296- 17-542	AMD-P	00-07-138	296- 24-82507	REP	00-08-078	296- 24-88030	NEW	00-08-078
296- 17-544	AMD-P	00-07-138	296- 24-82509	REP	00-08-078	296- 24-88035	NEW	00-08-078
296- 17-54401	AMD-P	00-07-138	296- 24-82511	REP	00-08-078	296- 24-88040	NEW	00-08-078
296- 17-54403	NEW-P	00-07-138	296- 24-82513	REP	00-08-078	296- 24-88045	NEW	00-08-078
296- 17-545	AMD-P	00-07-138	296- 24-82515	REP	00-08-078	296- 24-88050	NEW	00-08-078
296- 17-546	AMD-P	00-07-138	296- 24-82517	REP	00-08-078	296- 24-88055	NEW	00-08-078
296- 17-562	AMD-P	00-07-138	296- 24-82519	REP	00-08-078	296- 24-885	REP	00-08-078
296- 17-57001	AMD-P	00-07-138	296- 24-82521	REP	00-08-078	296- 24-88501	REP	00-08-078
296- 17-583	AMD-P	00-07-138	296- 24-82523	REP	00-08-078	296- 24-88503	REP	00-08-078
296- 17-58503	AMD-P	00-07-138	296- 24-82525	REP	00-08-078	296- 24-88505	REP	00-08-078
296- 17-597	AMD-P	00-07-138	296- 24-82527	REP	00-08-078	296- 24-90001	AMD	00-08-078
296- 17-615	AMD-P	00-07-138	296- 24-82529	REP	00-08-078	296- 24-90003	AMD	00-08-078
296- 17-618	AMD-P	00-07-138	296- 24-82531	REP	00-08-078	296- 24-90005	AMD	00-08-078
296- 17-643	AMD-P	00-07-138	296- 24-82533	REP	00-08-078	296- 24-90007	AMD	00-08-078
296- 17-649	AMD-P	00-07-138	296- 24-82535	REP	00-08-078	296- 24-90009	AMD	00-08-078
296- 17-66003	AMD-P	00-07-138	296- 24-82537	REP	00-08-078	296- 27-150	REP-P	00-05-058
296- 17-675	AMD-P	00-07-138	296- 24-82539	REP	00-08-078	296- 27-160	REP-P	00-05-058
296- 17-678	AMD-P	00-07-138	296- 24-82541	REP	00-08-078	296- 27-16001	REP-P	00-05-058
296- 17-679	AMD-P	00-07-138	296- 24-82543	REP	00-08-078	296- 27-16002	REP-P	00-05-058
296- 17-686	AMD-P	00-07-138	296- 24-82545	REP	00-08-078	296- 27-16003	REP-P	00-05-058
296- 17-689	AMD-P	00-07-138	296- 24-84001	REP	00-08-078	296- 27-16004	REP-P	00-05-058
296- 17-690	AMD-P	00-07-138	296- 24-84003	REP	00-08-078	296- 27-16007	REP-P	00-05-058
296- 17-694	AMD-P	00-07-138	296- 24-84005	REP	00-08-078	296- 27-16011	REP-P	00-05-058
296- 17-695	AMD-P	00-07-138	296- 24-84007	REP	00-08-078	296- 27-16018	REP-P	00-05-058
296- 17-712	AMD-P	00-07-138	296- 24-84009	REP	00-08-078	296- 27-16020	REP-P	00-05-058
296- 17-713	AMD-P	00-07-138	296- 24-84011	REP	00-08-078	296- 27-16022	REP-P	00-05-058
296- 17-729	AMD-P	00-07-138	296- 24-84013	REP	00-08-078	296- 27-16026	REP-P	00-05-058
296- 17-740	AMD-P	00-07-138	296- 24-860	NEW	00-08-078	296- 30-010	AMD-P	00-02-091
296- 17-748	AMD-P	00-07-138	296- 24-86005	NEW	00-08-078	296- 30-080	AMD	00-03-056
296- 17-749	AMD-P	00-07-138	296- 24-86010	NEW	00-08-078	296- 30-081	AMD	00-03-056
296- 17-751	AMD-P	00-07-138	296- 24-86015	NEW	00-08-078	296- 30-085	NEW	00-03-056

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296-30-090	NEW	00-03-056	296-127-01328	NEW-E	00-07-123	296-307-16004	REP	00-06-081
296-30-095	NEW	00-03-056	296-127-01329	NEW-E	00-07-123	296-307-16005	REP	00-06-081
296-30-100	NEW	00-03-056	296-127-01331	NEW-E	00-07-123	296-307-16007	REP	00-06-081
296-30-105	NEW	00-03-056	296-127-01332	NEW-E	00-07-123	296-307-16009	REP	00-06-081
296-30-120	AMD	00-03-056	296-127-01333	NEW-E	00-07-123	296-307-16011	REP	00-06-081
296-30-130	AMD-P	00-02-091	296-127-01335	NEW-E	00-07-123	296-307-16013	REP	00-06-081
296-30-170	AMD	00-03-056	296-127-01337	NEW-E	00-07-123	296-307-16015	REP	00-06-081
296-30-180	AMD	00-03-056	296-127-01339	NEW-E	00-07-123	296-307-16017	REP	00-06-081
296-31-012	AMD-P	00-02-091	296-127-01340	NEW-E	00-07-123	296-307-16019	REP	00-06-081
296-31-020	REP-P	00-02-091	296-127-01342	NEW-E	00-07-123	296-307-16021	REP	00-06-081
296-31-030	AMD	00-03-056	296-127-01344	NEW-E	00-07-123	296-307-16023	REP	00-06-081
296-31-035	NEW	00-03-056	296-127-01346	NEW-E	00-07-123	296-307-161	NEW	00-06-081
296-31-045	NEW	00-03-056	296-127-01347	NEW-E	00-07-123	296-307-16101	NEW	00-06-081
296-31-050	REP	00-03-056	296-127-01349	NEW-E	00-07-123	296-307-16103	NEW	00-06-081
296-31-055	NEW	00-03-056	296-127-01351	NEW-E	00-07-123	296-307-16105	NEW	00-06-081
296-31-056	NEW	00-03-056	296-127-01352	NEW-E	00-07-123	296-307-16110	NEW	00-06-081
296-31-057	NEW	00-03-056	296-127-01354	NEW-E	00-07-123	296-307-16115	NEW	00-06-081
296-31-058	NEW	00-03-056	296-127-01356	NEW-E	00-07-123	296-307-16120	NEW	00-06-081
296-31-070	AMD	00-03-056	296-127-01358	NEW-E	00-07-123	296-307-16125	NEW	00-06-081
296-31-074	NEW	00-03-056	296-127-01360	NEW-E	00-07-123	296-307-16130	NEW	00-06-081
296-31-090	REP	00-03-056	296-127-01362	NEW-E	00-07-123	296-307-16135	NEW	00-06-081
296-46-930	AMD-E	00-06-076	296-127-01364	NEW-E	00-07-123	296-307-16140	NEW	00-06-081
296-62-051	NEW-C	00-04-075	296-127-01367	NEW-E	00-07-123	296-307-16145	NEW	00-06-081
296-62-05101	NEW-C	00-04-075	296-127-01369	NEW-E	00-07-123	296-307-16150	NEW	00-06-081
296-62-05103	NEW-C	00-04-075	296-127-01370	NEW-E	00-07-123	296-307-16155	NEW	00-06-081
296-62-05105	NEW-C	00-04-075	296-127-01372	NEW-E	00-07-123	296-307-16160	NEW	00-06-081
296-62-05110	NEW-C	00-04-075	296-127-01374	NEW-E	00-07-123	296-307-16165	NEW	00-06-081
296-62-05120	NEW-C	00-04-075	296-127-01375	NEW-E	00-07-123	296-307-16170	NEW	00-06-081
296-62-05122	NEW-C	00-04-075	296-127-01376	NEW-E	00-07-123	296-307-16175	NEW	00-06-081
296-62-05130	NEW-C	00-04-075	296-127-01377	NEW-E	00-07-123	296-307-16180	NEW	00-06-081
296-62-05140	NEW-C	00-04-075	296-127-01378	NEW-E	00-07-123	296-307-16185	NEW	00-06-081
296-62-05150	NEW-C	00-04-075	296-127-01379	NEW-E	00-07-123	296-307-16190	NEW	00-06-081
296-62-05160	NEW-C	00-04-075	296-127-01382	NEW-E	00-07-123	296-307-163	NEW	00-06-081
296-62-05170	NEW-C	00-04-075	296-127-01384	NEW-E	00-07-123	296-307-16301	NEW	00-06-081
296-62-05172	NEW-C	00-04-075	296-127-01386	NEW-E	00-07-123	296-307-16303	NEW	00-06-081
296-62-05174	NEW-C	00-04-075	296-127-01387	NEW-E	00-07-123	296-307-16305	NEW	00-06-081
296-62-05176	NEW-C	00-04-075	296-127-01389	NEW-E	00-07-123	296-307-16310	NEW	00-06-081
296-62-07515	AMD	00-06-075	296-127-01391	NEW-E	00-07-123	296-307-16315	NEW	00-06-081
296-62-07709	AMD	00-06-075	296-150C	PREP	00-06-077	296-307-16320	NEW	00-06-081
296-62-07713	AMD	00-06-075	296-150F	PREP	00-06-077	296-307-16325	NEW	00-06-081
296-62-07722	AMD	00-06-075	296-150M	PREP	00-06-077	296-307-16330	NEW	00-06-081
296-62-07727	AMD	00-06-075	296-150P	PREP	00-06-077	296-307-16335	NEW	00-06-081
296-62-07745	AMD	00-06-075	296-150R	PREP	00-06-077	296-307-16340	NEW	00-06-081
296-65-003	AMD	00-06-075	296-150V	PREP	00-06-077	296-307-16345	NEW	00-06-081
296-127	PREP	00-07-122	296-155	PREP	00-04-002	296-307-16350	NEW	00-06-081
296-127-013	AMD-E	00-07-123	296-155	PREP	00-05-057	296-307-16355	NEW	00-06-081
296-127-01301	NEW-E	00-07-123	296-155-110	AMD	00-08-078	296-307-16360	NEW	00-06-081
296-127-01303	NEW-E	00-07-123	296-155-24501	AMD-XA	00-08-079	296-307-16365	NEW	00-06-081
296-127-01305	NEW-E	00-07-123	296-155-24503	AMD-XA	00-08-079	296-307-16370	NEW	00-06-081
296-127-01306	NEW-E	00-07-123	296-155-24505	AMD-XA	00-08-079	296-307-16375	NEW	00-06-081
296-127-01308	NEW-E	00-07-123	296-155-24510	AMD-XA	00-08-079	296-307-16380	NEW	00-06-081
296-127-01309	NEW-E	00-07-123	296-155-24515	AMD-XA	00-08-079	296-307-16385	NEW	00-06-081
296-127-01310	NEW-E	00-07-123	296-155-24520	AMD-XA	00-08-079	296-307-16390	NEW	00-06-081
296-127-01312	NEW-E	00-07-123	296-155-24521	AMD-XA	00-08-079	296-307-16395	NEW	00-06-081
296-127-01315	NEW-E	00-07-123	296-155-24525	AMD-XA	00-08-079	296-350	AMD-P	00-05-058
296-127-01317	NEW-E	00-07-123	296-155-483	AMD-XA	00-08-079	296-350-010	AMD-P	00-05-058
296-127-01318	NEW-E	00-07-123	296-155-505	AMD-XA	00-08-079	296-350-020	REP-P	00-05-058
296-127-01320	NEW-E	00-07-123	296-155-526	NEW-P	00-06-056	296-350-030	REP-P	00-05-058
296-127-01322	NEW-E	00-07-123	296-155-680	AMD-XA	00-08-079	296-350-040	REP-P	00-05-058
296-127-01323	NEW-E	00-07-123	296-307-160	REP	00-06-081	296-350-050	REP-P	00-05-058
296-127-01325	NEW-E	00-07-123	296-307-16001	REP	00-06-081	296-350-060	REP-P	00-05-058
296-127-01327	NEW-E	00-07-123	296-307-16003	REP	00-06-081	296-350-070	REP-P	00-05-058

Table of WAC Sections Affected

WAC #.	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #.
296-350-080	REP-P	00-05-058	296-402-080	REP-P	00-07-137	296-402A-510	NEW-P	00-07-137
296-350-090	REP-P	00-05-058	296-402-090	REP-P	00-07-137	296-402A-520	NEW-P	00-07-137
296-350-095	REP-P	00-05-058	296-402-100	REP-P	00-07-137	296-402A-530	NEW-P	00-07-137
296-350-100	NEW-P	00-05-058	296-402-110	REP-P	00-07-137	296-402A-540	NEW-P	00-07-137
296-350-10010	NEW-P	00-05-058	296-402-120	REP-P	00-07-137	296-402A-550	NEW-P	00-07-137
296-350-10020	NEW-P	00-05-058	296-402-130	REP-P	00-07-137	296-402A-560	NEW-P	00-07-137
296-350-10030	NEW-P	00-05-058	296-402-140	REP-P	00-07-137	296-402A-570	NEW-P	00-07-137
296-350-10040	NEW-P	00-05-058	296-402-150	REP-P	00-07-137	296-402A-580	NEW-P	00-07-137
296-350-10050	NEW-P	00-05-058	296-402-160	REP-P	00-07-137	296-402A-590	NEW-P	00-07-137
296-350-150	NEW-P	00-05-058	296-402-170	REP-P	00-07-137	296-402A-600	NEW-P	00-07-137
296-350-15010	NEW-P	00-05-058	296-402-180	REP-P	00-07-137	296-402A-610	NEW-P	00-07-137
296-350-15015	NEW-P	00-05-058	296-402-190	REP-P	00-07-137	296-402A-620	NEW-P	00-07-137
296-350-15020	NEW-P	00-05-058	296-402-200	REP-P	00-07-137	296-402A-630	NEW-P	00-07-137
296-350-15025	NEW-P	00-05-058	296-402A-010	NEW-P	00-07-137	296-402A-640	NEW-P	00-07-137
296-350-15030	NEW-P	00-05-058	296-402A-020	NEW-P	00-07-137	296-402A-650	NEW-P	00-07-137
296-350-15035	NEW-P	00-05-058	296-402A-030	NEW-P	00-07-137	296-402A-660	NEW-P	00-07-137
296-350-15040	NEW-P	00-05-058	296-402A-040	NEW-P	00-07-137	296-402A-670	NEW-P	00-07-137
296-350-15045	NEW-P	00-05-058	296-402A-050	NEW-P	00-07-137	296-402A-680	NEW-P	00-07-137
296-350-200	REP-P	00-05-058	296-402A-060	NEW-P	00-07-137	296-402A-690	NEW-P	00-07-137
296-350-210	REP-P	00-05-058	296-402A-070	NEW-P	00-07-137	308-04-020	AMD-P	00-05-014
296-350-230	REP-P	00-05-058	296-402A-080	NEW-P	00-07-137	308-04-020	AMD	00-08-032
296-350-240	REP-P	00-05-058	296-402A-090	NEW-P	00-07-137	308-56A	PREP	00-07-092
296-350-250	REP-P	00-05-058	296-402A-100	NEW-P	00-07-137	308-56A-020	PREP	00-07-092
296-350-255	REP-P	00-05-058	296-402A-110	NEW-P	00-07-137	308-56A-021	PREP	00-07-092
296-350-260	REP-P	00-05-058	296-402A-130	NEW-P	00-07-137	308-56A-022	PREP	00-07-092
296-350-270	REP-P	00-05-058	296-402A-140	NEW-P	00-07-137	308-56A-023	PREP	00-07-092
296-350-280	REP-P	00-05-058	296-402A-150	NEW-P	00-07-137	308-56A-090	PREP	00-07-092
296-350-400	REP-P	00-05-058	296-402A-160	NEW-P	00-07-137	308-56A-335	PREP	00-09-018
296-350-450	REP-P	00-05-058	296-402A-170	NEW-P	00-07-137	308-56A-355	PREP	00-09-018
296-350-460	REP-P	00-05-058	296-402A-180	NEW-P	00-07-137	308-56A-450	AMD	00-04-046
296-350-470	REP-P	00-05-058	296-402A-190	NEW-P	00-07-137	308-56A-455	AMD	00-04-046
296-350-600	NEW-P	00-05-058	296-402A-200	NEW-P	00-07-137	308-56A-460	AMD	00-06-025
296-350-60010	NEW-P	00-05-058	296-402A-210	NEW-P	00-07-137	308-56A-465	REP	00-04-046
296-350-60015	NEW-P	00-05-058	296-402A-220	NEW-P	00-07-137	308-56A-470	REP	00-04-046
296-350-60020	NEW-P	00-05-058	296-402A-230	NEW-P	00-07-137	308-56A-500	AMD	00-06-004
296-350-60025	NEW-P	00-05-058	296-402A-240	NEW-P	00-07-137	308-56A-500	AMD-P	00-09-007
296-350-60030	NEW-P	00-05-058	296-402A-250	NEW-P	00-07-137	308-56A-505	AMD	00-06-004
296-350-60035	NEW-P	00-05-058	296-402A-260	NEW-P	00-07-137	308-56A-510	REP	00-06-004
296-350-60040	NEW-P	00-05-058	296-402A-270	NEW-P	00-07-137	308-56A-515	REP	00-06-004
296-350-60045	NEW-P	00-05-058	296-402A-290	NEW-P	00-07-137	308-56A-520	REP	00-06-004
296-350-700	NEW-P	00-05-058	296-402A-300	NEW-P	00-07-137	308-56A-610	REP	00-06-020
296-350-70010	NEW-P	00-05-058	296-402A-310	NEW-P	00-07-137	308-56A-620	AMD	00-06-020
296-350-70015	NEW-P	00-05-058	296-402A-320	NEW-P	00-07-137	308-56A-620	REP-P	00-09-007
296-350-70020	NEW-P	00-05-058	296-402A-330	NEW-P	00-07-137	308-56A-640	AMD	00-06-020
296-350-70025	NEW-P	00-05-058	296-402A-340	NEW-P	00-07-137	308-56A-650	REP	00-06-020
296-350-70030	NEW-P	00-05-058	296-402A-350	NEW-P	00-07-137	308-56A-660	REP	00-06-020
296-350-70035	NEW-P	00-05-058	296-402A-360	NEW-P	00-07-137	308-56A-670	REP	00-06-020
296-350-70040	NEW-P	00-05-058	296-402A-370	NEW-P	00-07-137	308-56A-680	REP	00-06-020
296-350-70045	NEW-P	00-05-058	296-402A-380	NEW-P	00-07-137	308-56A-690	REP	00-06-020
296-350-70050	NEW-P	00-05-058	296-402A-390	NEW-P	00-07-137	308-57-005	PREP	00-06-001
296-350-70055	NEW-P	00-05-058	296-402A-400	NEW-P	00-07-137	308-57-005	REP-P	00-09-019
296-350-70060	NEW-P	00-05-058	296-402A-410	NEW-P	00-07-137	308-57-010	PREP	00-06-001
296-350-70065	NEW-P	00-05-058	296-402A-420	NEW-P	00-07-137	308-57-010	REP-P	00-09-019
296-350-70070	NEW-P	00-05-058	296-402A-425	NEW-P	00-07-137	308-57-020	PREP	00-06-001
296-401A-140	AMD-E	00-06-076	296-402A-430	NEW-P	00-07-137	308-57-020	REP-P	00-09-019
296-402-010	REP-P	00-07-137	296-402A-440	NEW-P	00-07-137	308-57-030	PREP	00-06-001
296-402-020	REP-P	00-07-137	296-402A-450	NEW-P	00-07-137	308-57-030	REP-P	00-09-019
296-402-030	REP-P	00-07-137	296-402A-460	NEW-P	00-07-137	308-57-110	PREP	00-06-001
296-402-040	REP-P	00-07-137	296-402A-470	NEW-P	00-07-137	308-57-110	REP-P	00-09-019
296-402-050	REP-P	00-07-137	296-402A-480	NEW-P	00-07-137	308-57-120	PREP	00-06-001
296-402-060	REP-P	00-07-137	296-402A-490	NEW-P	00-07-137	308-57-120	REP-P	00-09-019
296-402-070	REP-P	00-07-137	296-402A-500	NEW-P	00-07-137	308-57-130	PREP	00-06-001

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-57-130	REP-P	00-09-019	308-77-180	PREP	00-03-037	308-94-010	REP-P	00-05-050
308-57-135	PREP	00-06-001	308-77-215	PREP	00-08-062	308-94-010	REP	00-09-066
308-57-135	REP-P	00-09-019	308-77-240	PREP	00-03-037	308-94-030	PREP	00-07-094
308-57-140	PREP	00-06-001	308-77-265	PREP	00-03-037	308-94-050	PREP	00-07-094
308-57-140	REP-P	00-09-019	308-77-270	PREP	00-03-037	308-94-080	PREP	00-07-094
308-57-210	PREP	00-06-001	308-77-280	PREP	00-03-037	308-94-100	PREP	00-07-094
308-57-210	REP-P	00-09-019	308-77-290	NEW-P	00-05-014	308-94-160	REP-P	00-05-050
308-57-230	PREP	00-06-001	308-77-290	NEW	00-08-032	308-94-160	REP	00-09-066
308-57-230	REP-P	00-09-019	308-78-010	PREP	00-08-064	308-96A-005	AMD-P	00-03-094
308-57-240	PREP	00-06-001	308-78-100	NEW-P	00-05-014	308-96A-005	AMD	00-09-008
308-57-240	REP-P	00-09-019	308-78-100	NEW	00-08-032	308-96A-065	PREP	00-07-108
308-57-500	PREP	00-06-001	308-80	PREP	00-06-032	308-96A-066	PREP	00-07-108
308-57-500	REP-P	00-09-019	308-80-015	AMD-P	00-09-070	308-96A-067	PREP	00-07-108
308-58-010	REP	00-06-025	308-80-020	AMD-P	00-09-070	308-96A-068	PREP	00-07-108
308-58-020	REP	00-06-025	308-88-010	REP	00-06-024	308-96A-070	PREP	00-07-108
308-58-030	REP	00-06-025	308-88-020	AMD	00-06-024	308-96A-071	PREP	00-07-108
308-58-040	REP	00-06-025	308-88-030	REP	00-06-024	308-96A-072	PREP	00-07-108
308-58-050	REP	00-06-025	308-88-040	REP	00-06-024	308-96A-073	PREP	00-07-108
308-63	PREP	00-06-007	308-88-050	REP	00-06-024	308-96A-074	PREP	00-07-108
308-63-020	AMD-P	00-09-069	308-88-170	REP	00-06-024	308-96A-099	PREP	00-06-001
308-63-030	AMD-P	00-09-069	308-90	PREP	00-06-033	308-96A-099	AMD-P	00-09-019
308-63-040	AMD-P	00-09-069	308-91-090	PREP	00-03-038	308-96A-135	PREP	00-06-001
308-63-050	AMD-P	00-09-069	308-91-150	AMD-P	00-05-014	308-96A-135	REP-P	00-09-019
308-63-060	AMD-P	00-09-069	308-91-150	AMD	00-08-032	308-96A-145	PREP	00-06-001
308-63-070	AMD-P	00-09-069	308-93-010	AMD-P	00-07-065	308-96A-145	AMD-P	00-09-019
308-63-080	AMD-P	00-09-069	308-93-010	PREP	00-07-107	308-96A-175	PREP	00-06-001
308-63-090	AMD-P	00-09-069	308-93-030	PREP	00-07-107	308-96A-175	PREP	00-07-108
308-63-100	AMD-P	00-09-069	308-93-050	PREP	00-07-107	308-96A-175	AMD-P	00-09-019
308-63-110	AMD-P	00-09-069	308-93-055	PREP	00-07-107	308-96A-176	PREP	00-06-001
308-63-120	AMD-P	00-09-069	308-93-056	PREP	00-07-107	308-96A-176	PREP	00-07-108
308-63-130	AMD-P	00-09-069	308-93-060	PREP	00-07-105	308-96A-176	AMD-P	00-09-019
308-63-140	AMD-P	00-09-069	308-93-069	PREP	00-07-105	308-96A-180	PREP	00-06-001
308-63-150	REP-P	00-09-069	308-93-070	PREP	00-07-105	308-96A-180	AMD-P	00-09-019
308-63-160	AMD-P	00-09-069	308-93-071	PREP	00-07-105	308-96A-202	PREP	00-06-001
308-65	PREP	00-06-031	308-93-073	PREP	00-07-105	308-96A-202	AMD-P	00-09-019
308-65-020	AMD-P	00-09-071	308-93-078	PREP	00-07-105	308-96A-203	PREP	00-06-001
308-65-030	AMD-P	00-09-071	308-93-079	PREP	00-07-107	308-96A-203	AMD-P	00-09-019
308-65-040	AMD-P	00-09-071	308-93-090	PREP	00-07-107	308-96A-306	PREP	00-08-043
308-65-050	AMD-P	00-09-071	308-93-145	AMD-P	00-05-056	308-96A-311	PREP	00-08-043
308-65-060	AMD-P	00-09-071	308-93-145	AMD	00-09-065	308-96A-312	PREP	00-08-043
308-65-080	AMD-P	00-09-071	308-93-165	REP-P	00-05-049	308-96A-313	PREP	00-08-043
308-65-090	AMD-P	00-09-071	308-93-165	REP	00-09-065	308-96A-314	PREP	00-08-043
308-65-100	AMD-P	00-09-071	308-93-200	PREP	00-07-106	308-96A-316	PREP	00-08-043
308-65-110	AMD-P	00-09-071	308-93-220	PREP	00-07-106	308-96A-345	AMD	00-03-057
308-65-130	AMD-P	00-09-071	308-93-230	PREP	00-07-106	308-96A-350	AMD	00-03-057
308-65-140	AMD-P	00-09-071	308-93-241	PREP	00-07-104	308-96A-355	AMD	00-03-057
308-65-150	AMD-P	00-09-071	308-93-242	PREP	00-07-104	308-96A-360	REP	00-03-057
308-65-170	AMD-P	00-09-071	308-93-243	PREP	00-07-104	308-96A-365	AMD	00-03-057
308-65-180	REP-P	00-09-071	308-93-244	PREP	00-07-104	308-96A-370	REP	00-03-057
308-65-190	AMD-P	00-09-071	308-93-245	PREP	00-07-104	308-96A-375	REP	00-03-057
308-72-500	PREP	00-08-063	308-93-285	PREP	00-07-105	308-96A-380	REP	00-03-057
308-72-665	PREP	00-08-063	308-93-295	PREP	00-07-106	308-96A-400	PREP	00-06-001
308-72-690	PREP	00-08-063	308-93-350	PREP	00-07-105	308-96A-400	REP-P	00-09-019
308-72-700	PREP	00-08-063	308-93-360	PREP	00-07-105	308-96A-410	PREP	00-06-001
308-72-710	PREP	00-08-063	308-93-440	PREP	00-07-093	308-96A-410	REP-P	00-09-019
308-72-720	NEW-P	00-05-014	308-93-450	PREP	00-07-093	308-96A-550	PREP	00-07-108
308-72-720	NEW	00-08-032	308-93-460	PREP	00-07-093	308-96A-560	PREP	00-07-108
308-77	PREP	00-03-037	308-93-470	PREP	00-07-093	308-97-011	NEW	00-07-053
308-77-045	PREP	00-03-037	308-93-640	PREP	00-07-105	308-97-230	PREP	00-06-001
308-77-155	PREP	00-03-037	308-93-650	AMD-P	00-05-049	308-97-230	AMD-P	00-09-019
308-77-165	PREP	00-03-037	308-93-650	AMD	00-09-065	308-99-010	REP-P	00-07-126
308-77-170	PREP	00-03-037	308-94	PREP	00-06-034	308-99-010	REP-W	00-09-009

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-99-020	AMD-P	00-07-126	308-124H-245	NEW-P	00-03-063	314-02-045	NEW	00-07-091
308-99-020	AMD-W	00-09-009	308-124H-245	NEW	00-08-035	314-02-050	NEW	00-07-091
308-99-021	REP-P	00-07-126	308-124H-246	NEW-P	00-03-063	314-02-055	NEW	00-07-091
308-99-021	REP-W	00-09-009	308-124H-246	NEW	00-08-035	314-02-060	NEW	00-07-091
308-99-025	REP-P	00-07-126	308-124H-260	AMD-P	00-03-063	314-02-065	NEW	00-07-091
308-99-025	REP-W	00-09-009	308-124H-260	AMD	00-08-035	314-02-070	NEW	00-07-091
308-99-030	REP-P	00-07-126	308-124H-270	AMD-P	00-03-063	314-02-075	NEW	00-07-091
308-99-030	REP-W	00-09-009	308-124H-270	AMD	00-08-035	314-02-080	NEW	00-07-091
308-99-040	AMD-P	00-07-126	308-124H-290	AMD-P	00-03-063	314-02-085	NEW	00-07-091
308-99-040	AMD-W	00-09-009	308-124H-290	AMD	00-08-035	314-02-090	NEW	00-07-091
308-99-050	REP-P	00-07-126	308-124H-300	AMD-P	00-03-063	314-02-095	NEW	00-07-091
308-99-050	REP-W	00-09-009	308-124H-300	AMD	00-08-035	314-02-100	NEW	00-07-091
308-99-060	NEW-P	00-07-126	308-124H-310	AMD-P	00-03-063	314-02-105	NEW	00-07-091
308-99-060	NEW-W	00-09-009	308-124H-310	AMD	00-08-035	314-02-110	NEW	00-07-091
308-124-021	AMD-P	00-03-063	308-124H-320	AMD-P	00-03-063	314-02-115	NEW	00-07-091
308-124-021	AMD	00-08-035	308-124H-320	AMD	00-08-035	314-02-120	NEW	00-07-091
308-124E-013	AMD-P	00-03-063	308-124H-510	AMD-P	00-03-063	314-02-125	NEW	00-07-091
308-124E-013	AMD	00-08-035	308-124H-510	AMD	00-08-035	314-02-130	NEW	00-07-091
308-124H-011	AMD-P	00-03-063	308-124H-520	REP-P	00-03-063	314-15-010	REP	00-07-117
308-124H-011	AMD	00-08-035	308-124H-520	REP	00-08-035	314-15-020	REP	00-07-117
308-124H-012	NEW-P	00-03-063	308-124H-525	NEW-P	00-03-063	314-15-030	REP	00-07-117
308-124H-012	NEW	00-08-035	308-124H-525	NEW	00-08-035	314-15-040	REP	00-07-117
308-124H-013	NEW-P	00-03-063	308-124H-530	AMD-P	00-03-063	314-15-050	REP	00-07-117
308-124H-013	NEW	00-08-035	308-124H-530	AMD	00-08-035	314-16-040	AMD-XA	00-07-116
308-124H-021	REP-P	00-03-063	308-124H-551	NEW-P	00-03-063	314-16-055	REP	00-07-117
308-124H-021	REP	00-08-035	308-124H-551	NEW	00-08-035	314-16-115	REP	00-07-117
308-124H-025	AMD-P	00-03-063	308-124H-580	AMD-P	00-03-063	314-16-130	REP-P	00-09-095
308-124H-025	AMD	00-08-035	308-124H-580	AMD	00-08-035	314-16-140	REP	00-07-117
308-124H-026	NEW-P	00-03-063	308-124H-800	AMD-P	00-03-063	314-16-180	REP	00-07-117
308-124H-026	NEW	00-08-035	308-124H-800	AMD	00-08-035	314-16-190	AMD-XA	00-07-116
308-124H-027	NEW-P	00-03-063	308-125-200	AMD	00-04-057	314-16-196	AMD-XA	00-07-116
308-124H-027	NEW	00-08-035	308-129-100	AMD-P	00-08-005	314-16-197	REP	00-07-117
308-124H-028	NEW-P	00-03-063	308-129-230	REP-P	00-08-005	314-16-199	REP	00-07-117
308-124H-028	NEW	00-08-035	308-300-010	PREP	00-08-067	314-16-200	REP	00-07-117
308-124H-029	NEW-P	00-03-063	308-300-020	PREP	00-08-067	314-16-205	REP	00-07-117
308-124H-029	NEW	00-08-035	308-300-030	PREP	00-08-067	314-16-210	REP	00-07-117
308-124H-031	NEW-P	00-03-063	308-300-040	PREP	00-08-067	314-16-240	REP	00-07-117
308-124H-031	NEW	00-08-035	308-300-050	PREP	00-08-067	314-19-005	NEW-P	00-09-095
308-124H-034	NEW-P	00-03-063	308-300-060	PREP	00-08-067	314-19-010	NEW-P	00-09-095
308-124H-034	NEW	00-08-035	308-300-070	PREP	00-08-067	314-19-015	NEW-P	00-09-095
308-124H-039	NEW-P	00-03-063	308-300-075	PREP	00-08-067	314-19-020	NEW-P	00-09-095
308-124H-039	NEW	00-08-035	308-300-080	PREP	00-08-067	314-19-025	NEW-P	00-09-095
308-124H-041	AMD-P	00-03-063	308-300-090	PREP	00-08-067	314-19-030	NEW-P	00-09-095
308-124H-041	AMD	00-08-035	308-300-100	PREP	00-08-067	314-19-035	NEW-P	00-09-095
308-124H-042	NEW-P	00-03-063	308-300-110	PREP	00-08-067	314-19-040	NEW-P	00-09-095
308-124H-042	NEW	00-08-035	308-300-120	PREP	00-08-067	314-20-010	REP-P	00-09-095
308-124H-051	AMD-P	00-03-063	308-300-130	PREP	00-08-067	314-20-015	AMD-P	00-09-095
308-124H-051	AMD	00-08-035	308-300-140	PREP	00-08-067	314-20-040	REP-P	00-09-095
308-124H-061	AMD-P	00-03-063	308-300-150	PREP	00-08-067	314-20-060	REP-P	00-09-095
308-124H-061	AMD	00-08-035	308-300-160	PREP	00-08-067	314-20-150	REP-P	00-09-095
308-124H-062	AMD-P	00-03-063	308-300-170	PREP	00-08-067	314-20-160	AMD-P	00-09-095
308-124H-062	AMD	00-08-035	308-300-180	PREP	00-08-067	314-20-170	AMD-P	00-09-095
308-124H-210	AMD-P	00-03-063	308-300-190	PREP	00-08-067	314-20-180	REP-P	00-09-095
308-124H-210	AMD	00-08-035	308-300-200	PREP	00-08-067	314-24-095	REP-P	00-09-095
308-124H-220	REP-P	00-03-063	314-02-005	NEW	00-07-091	314-24-110	REP-P	00-09-095
308-124H-220	REP	00-08-035	314-02-010	NEW	00-07-091	314-24-120	AMD-P	00-09-095
308-124H-221	NEW-P	00-03-063	314-02-015	NEW	00-07-091	314-24-160	AMD-P	00-09-095
308-124H-221	NEW	00-08-035	314-02-020	NEW	00-07-091	314-26-010	REP-P	00-09-095
308-124H-230	AMD-P	00-03-063	314-02-025	NEW	00-07-091	314-37	PREP	00-02-087
308-124H-230	AMD	00-08-035	314-02-030	NEW	00-07-091	314-42-010	NEW-P	00-02-089
308-124H-240	REP-P	00-03-063	314-02-035	NEW	00-07-091	314-42-010	NEW	00-06-016
308-124H-240	REP	00-08-035	314-02-040	NEW	00-07-091	314-48-010	PREP	00-02-087

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314- 56-010	REP-XR	00-02-086	315- 11A-212	REP	00-07-131	365-120-090	NEW	00-05-020
314- 56-020	REP-XR	00-02-086	315- 11A-213	REP-XR	00-02-055	365-135-020	AMD	00-02-061
314- 60	PREP	00-02-088	315- 11A-213	REP	00-07-131	365-195-900	NEW-P	00-03-066
314- 62	PREP	00-02-088	315- 11A-214	REP-XR	00-02-055	365-195-905	NEW-P	00-03-066
314- 64	PREP	00-02-087	315- 11A-214	REP	00-07-131	365-195-910	NEW-P	00-03-066
314- 76-010	PREP	00-02-087	317- 10	PREP	00-05-096	365-195-915	NEW-P	00-03-066
314- 78-010	REP-XR	00-02-086	332-130-050	AMD-P	00-08-034	365-195-920	NEW-P	00-03-066
315- 06-120	PREP	00-05-059	352- 32	PREP	00-04-081	365-195-925	NEW-P	00-03-066
315- 06-120	AMD-P	00-07-130	352- 32-285	PREP	00-04-081	365-197-010	NEW-P	00-03-067
315- 11A-165	REP-XR	00-02-055	356- 14-045	AMD-P	00-04-052	365-197-020	NEW-P	00-03-067
315- 11A-165	REP	00-07-131	356- 14-045	AMD-C	00-06-050	365-197-030	NEW-P	00-03-067
315- 11A-187	REP-XR	00-02-055	356- 26-040	AMD-P	00-04-052	365-197-040	NEW-P	00-03-067
315- 11A-187	REP	00-07-131	356- 26-040	AMD-C	00-06-050	365-197-050	NEW-P	00-03-067
315- 11A-188	REP-XR	00-02-055	356- 30-075	AMD-P	00-04-052	365-197-060	NEW-P	00-03-067
315- 11A-188	REP	00-07-131	356- 30-075	AMD-C	00-06-050	365-197-070	NEW-P	00-03-067
315- 11A-189	REP-XR	00-02-055	356- 30-331	AMD-P	00-06-047	365-197-080	NEW-P	00-03-067
315- 11A-189	REP	00-07-131	359- 14-010	NEW-P	00-04-054	388- 03-010	NEW	00-06-014
315- 11A-190	REP-XR	00-02-055	359- 14-010	NEW-C	00-06-049	388- 03-020	NEW	00-06-014
315- 11A-190	REP	00-07-131	359- 14-020	NEW-P	00-04-054	388- 03-030	NEW	00-06-014
315- 11A-191	REP-XR	00-02-055	359- 14-020	NEW-C	00-06-049	388- 03-050	NEW	00-06-014
315- 11A-191	REP	00-07-131	359- 14-030	NEW-P	00-04-054	388- 03-060	NEW	00-06-014
315- 11A-192	REP-XR	00-02-055	359- 14-030	NEW-C	00-06-049	388- 03-110	NEW	00-06-014
315- 11A-192	REP	00-07-131	359- 14-050	NEW-P	00-04-054	388- 03-112	NEW	00-06-014
315- 11A-193	REP-XR	00-02-055	359- 14-050	NEW-C	00-06-049	388- 03-114	NEW	00-06-014
315- 11A-193	REP	00-07-131	359- 14-070	NEW-P	00-04-054	388- 03-115	NEW	00-06-014
315- 11A-194	REP-XR	00-02-055	359- 14-070	NEW-C	00-06-049	388- 03-116	NEW	00-06-014
315- 11A-194	REP	00-07-131	359- 14-080	NEW-P	00-04-054	388- 03-117	NEW	00-06-014
315- 11A-195	REP-XR	00-02-055	359- 14-080	NEW-C	00-06-049	388- 03-118	NEW	00-06-014
315- 11A-195	REP	00-07-131	359- 14-100	NEW-P	00-04-054	388- 03-120	NEW	00-06-014
315- 11A-196	REP-XR	00-02-055	359- 14-100	NEW-C	00-06-049	388- 03-122	NEW	00-06-014
315- 11A-196	REP	00-07-131	359- 14-130	NEW-P	00-04-054	388- 03-123	NEW	00-06-014
315- 11A-197	REP-XR	00-02-055	359- 14-130	NEW-C	00-06-049	388- 03-124	NEW	00-06-014
315- 11A-197	REP	00-07-131	359- 40-010	NEW-P	00-04-054	388- 03-125	NEW	00-06-014
315- 11A-198	REP-XR	00-02-055	359- 40-010	NEW-C	00-06-049	388- 03-126	NEW	00-06-014
315- 11A-198	REP	00-07-131	359- 40-020	NEW-P	00-04-054	388- 03-130	NEW	00-06-014
315- 11A-199	REP-XR	00-02-055	359- 40-020	NEW-C	00-06-049	388- 03-132	NEW	00-06-014
315- 11A-199	REP	00-07-131	359- 40-050	NEW-P	00-04-054	388- 03-133	NEW	00-06-014
315- 11A-200	REP-XR	00-02-055	359- 40-050	NEW-C	00-06-049	388- 03-135	NEW	00-06-014
315- 11A-200	REP	00-07-131	359- 40-060	NEW-P	00-04-054	388- 03-138	NEW	00-06-014
315- 11A-201	REP-XR	00-02-055	359- 40-060	NEW-C	00-06-049	388- 03-140	NEW	00-06-014
315- 11A-201	REP	00-07-131	363-116-300	AMD-P	00-08-106	388- 03-150	NEW	00-06-014
315- 11A-202	REP-XR	00-02-055	365- 18-010	NEW	00-09-060	388- 03-152	NEW	00-06-014
315- 11A-202	REP	00-07-131	365- 18-020	NEW	00-09-060	388- 03-154	NEW	00-06-014
315- 11A-203	REP-XR	00-02-055	365- 18-030	NEW	00-09-060	388- 03-156	NEW	00-06-014
315- 11A-203	REP	00-07-131	365- 18-040	NEW	00-09-060	388- 03-170	NEW	00-06-014
315- 11A-204	REP-XR	00-02-055	365- 18-050	NEW	00-09-060	388- 03-172	NEW	00-06-014
315- 11A-204	REP	00-07-131	365- 18-060	NEW	00-09-060	388- 03-174	NEW	00-06-014
315- 11A-205	REP-XR	00-02-055	365- 18-070	NEW	00-09-060	388- 03-176	NEW	00-06-014
315- 11A-205	REP	00-07-131	365- 18-080	NEW	00-09-060	388- 11-011	PREP	00-06-039
315- 11A-206	REP-XR	00-02-055	365- 18-090	NEW	00-09-060	388- 11-015	PREP	00-06-039
315- 11A-206	REP	00-07-131	365- 18-100	NEW	00-09-060	388- 11-045	PREP	00-06-039
315- 11A-207	REP-XR	00-02-055	365- 18-110	NEW	00-09-060	388- 11-048	PREP	00-06-039
315- 11A-207	REP	00-07-131	365- 18-120	NEW	00-09-060	388- 11-065	PREP	00-06-039
315- 11A-208	REP-XR	00-02-055	365-120	AMD	00-05-020	388- 11-067	PREP	00-06-039
315- 11A-208	REP	00-07-131	365-120-010	AMD	00-05-020	388- 11-100	PREP	00-06-039
315- 11A-209	REP-XR	00-02-055	365-120-020	AMD	00-05-020	388- 11-120	PREP	00-06-039
315- 11A-209	REP	00-07-131	365-120-030	AMD	00-05-020	388- 11-135	PREP	00-06-039
315- 11A-210	REP-XR	00-02-055	365-120-040	AMD	00-05-020	388- 11-140	PREP	00-06-039
315- 11A-210	REP	00-07-131	365-120-050	AMD	00-05-020	388- 11-145	PREP	00-06-039
315- 11A-211	REP-XR	00-02-055	365-120-060	AMD	00-05-020	388- 11-150	PREP	00-06-039
315- 11A-211	REP	00-07-131	365-120-070	NEW	00-05-020	388- 11-155	PREP	00-06-039
315- 11A-212	REP-XR	00-02-055	365-120-080	NEW	00-05-020	388- 11-170	PREP	00-06-039

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-11-180	PREP	00-06-039	388-14-395	PREP	00-06-039	388-15-553	REP	00-04-056
388-11-205	PREP	00-06-039	388-14-410	PREP	00-06-039	388-15-554	REP	00-04-056
388-11-210	PREP	00-06-039	388-14-415	PREP	00-06-039	388-15-555	REP	00-04-056
388-11-215	PREP	00-06-039	388-14-420	PREP	00-06-039	388-15-560	REP	00-04-056
388-11-220	PREP	00-06-039	388-14-421	PREP	00-06-039	388-15-562	REP	00-04-056
388-11-280	PREP	00-06-039	388-14-422	PREP	00-06-039	388-15-563	REP	00-04-056
388-11-285	PREP	00-06-039	388-14-423	PREP	00-06-039	388-15-564	REP	00-04-056
388-11-290	PREP	00-06-039	388-14-424	PREP	00-06-039	388-15-566	REP	00-04-056
388-11-295	PREP	00-06-039	388-14-427	PREP	00-06-039	388-15-568	REP	00-04-056
388-11-300	PREP	00-06-039	388-14-435	PREP	00-06-039	388-15-600	REP	00-04-056
388-11-305	PREP	00-06-039	388-14-440	PREP	00-06-039	388-15-620	REP	00-04-056
388-11-310	PREP	00-06-039	388-14-445	PREP	00-06-039	388-15-630	REP	00-04-056
388-11-315	PREP	00-06-039	388-14-450	PREP	00-06-039	388-15-650	PREP	00-08-049
388-11-315	REP-P	00-06-068	388-14-460	PREP	00-06-039	388-15-651	PREP	00-08-049
388-11-315	REP	00-09-076	388-14-480	PREP	00-06-039	388-15-652	PREP	00-08-049
388-11-320	PREP	00-06-039	388-14-490	PREP	00-06-039	388-15-653	PREP	00-08-049
388-11-325	PREP	00-06-039	388-14-495	PREP	00-06-039	388-15-654	PREP	00-08-049
388-11-330	PREP	00-06-039	388-14-500	PREP	00-06-039	388-15-655	PREP	00-08-049
388-11-335	PREP	00-06-039	388-14-510	PREP	00-06-039	388-15-656	PREP	00-08-049
388-11-340	PREP	00-06-039	388-14-520	PREP	00-06-039	388-15-657	PREP	00-08-049
388-11-400	PREP	00-06-039	388-14-530	PREP	00-06-039	388-15-658	PREP	00-08-049
388-11-410	PREP	00-06-039	388-14-540	PREP	00-06-039	388-15-659	PREP	00-08-049
388-11-415	PREP	00-06-039	388-14-550	PREP	00-06-039	388-15-660	PREP	00-08-049
388-11-420	PREP	00-06-039	388-14-560	PREP	00-06-039	388-15-661	PREP	00-08-049
388-11-425	PREP	00-06-039	388-14-570	PREP	00-06-039	388-15-662	PREP	00-08-049
388-11-430	PREP	00-06-039	388-14A-3850	NEW-P	00-06-068	388-15-690	REP	00-04-056
388-13	PREP	00-06-039	388-14A-3850	NEW	00-09-076	388-15-695	REP	00-04-056
388-14-010	PREP	00-06-039	388-14A-3855	NEW-P	00-06-068	388-15-700	REP	00-04-056
388-14-020	PREP	00-06-039	388-14A-3855	NEW	00-09-076	388-15-705	REP	00-04-056
388-14-030	PREP	00-06-039	388-14A-3860	NEW-P	00-06-068	388-15-710	REP	00-04-056
388-14-035	PREP	00-06-039	388-14A-3860	NEW	00-09-076	388-15-715	REP	00-04-056
388-14-040	PREP	00-06-039	388-14A-3865	NEW-P	00-06-068	388-15-810	REP	00-04-056
388-14-045	PREP	00-06-039	388-14A-3865	NEW	00-09-076	388-15-830	REP	00-04-056
388-14-050	PREP	00-06-039	388-14A-3870	NEW-P	00-06-068	388-15-880	REP	00-04-056
388-14-100	PREP	00-06-039	388-14A-3870	NEW	00-09-076	388-15-890	REP	00-04-056
388-14-200	PREP	00-06-039	388-14A-3875	NEW-P	00-06-068	388-15-895	REP	00-04-056
388-14-201	PREP	00-06-039	388-14A-3875	NEW	00-09-076	388-17-010	REP	00-04-056
388-14-202	PREP	00-06-039	388-15-120	REP	00-03-029	388-17-020	REP	00-04-056
388-14-203	PREP	00-06-039	388-15-145	REP	00-04-056	388-17-100	REP	00-04-056
388-14-205	PREP	00-06-039	388-15-196	REP	00-03-043	388-17-120	REP	00-04-056
388-14-210	PREP	00-06-039	388-15-19600	REP	00-03-043	388-17-160	REP	00-04-056
388-14-220	PREP	00-06-039	388-15-19610	REP	00-03-043	388-17-180	REP	00-04-056
388-14-250	PREP	00-06-039	388-15-19620	REP	00-03-043	388-17-500	REP	00-04-056
388-14-260	PREP	00-06-039	388-15-19630	REP	00-03-043	388-17-510	REP	00-04-056
388-14-270	PREP	00-06-039	388-15-19640	REP	00-03-043	388-24-2070	REP	00-03-012
388-14-271	PREP	00-06-039	388-15-19650	REP	00-03-043	388-24-2100	REP	00-03-012
388-14-272	PREP	00-06-039	388-15-19660	REP	00-03-043	388-24-2150	REP	00-03-012
388-14-273	PREP	00-06-039	388-15-19670	REP	00-03-043	388-24-2200	REP	00-03-012
388-14-274	PREP	00-06-039	388-15-19680	REP	00-03-043	388-24-2250	REP	00-03-012
388-14-276	PREP	00-06-039	388-15-198	REP	00-03-043	388-24-2350	REP	00-03-012
388-14-300	PREP	00-06-039	388-15-200	REP	00-04-056	388-24-2430	REP	00-03-012
388-14-310	PREP	00-06-039	388-15-201	REP	00-04-056	388-31	PREP	00-09-034
388-14-350	PREP	00-06-039	388-15-206	REP	00-04-056	388-71-0100	NEW	00-03-029
388-14-360	PREP	00-06-039	388-15-207	REP	00-04-056	388-71-0105	NEW	00-03-029
388-14-365	PREP	00-06-039	388-15-209	REP	00-04-056	388-71-0110	NEW	00-03-029
388-14-370	PREP	00-06-039	388-15-214	REP	00-04-056	388-71-0115	NEW	00-03-029
388-14-376	PREP	00-06-039	388-15-215	REP	00-04-056	388-71-0120	NEW	00-03-029
388-14-385	PREP	00-06-039	388-15-219	REP	00-04-056	388-71-0150	NEW	00-03-029
388-14-386	PREP	00-06-039	388-15-222	REP	00-04-056	388-71-0155	NEW	00-03-029
388-14-387	PREP	00-06-039	388-15-548	REP	00-04-056	388-71-0400	NEW	00-04-056
388-14-388	PREP	00-06-039	388-15-551	REP	00-04-056	388-71-0405	NEW	00-04-056
388-14-390	PREP	00-06-039	388-15-552	REP	00-04-056	388-71-0410	NEW	00-04-056



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0415	NEW	00-04-056	388-86-035	PREP	00-07-056	388-97-07030	NEW	00-06-028
388-71-0420	NEW	00-04-056	388-86-067	REP	00-05-039	388-97-07035	NEW	00-06-028
388-71-0425	NEW	00-04-056	388-86-071	PREP	00-09-033	388-97-07040	NEW	00-06-028
388-71-0430	NEW	00-04-056	388-86-087	PREP	00-07-056	388-97-07045	NEW	00-06-028
388-71-0440	NEW	00-04-056	388-86-090	REP	00-04-019	388-97-07050	NEW	00-06-028
388-71-0445	NEW	00-04-056	388-86-105	REP-XR	00-09-039	388-97-07055	NEW	00-06-028
388-71-0445	PREP	00-07-100	388-86-110	PREP	00-03-011	388-97-07060	NEW	00-06-028
388-71-0450	NEW	00-04-056	388-86-115	PREP	00-03-011	388-97-07065	NEW	00-06-028
388-71-0455	NEW	00-04-056	388-86-120	PREP	00-03-011	388-97-07070	NEW	00-06-028
388-71-0460	NEW	00-04-056	388-86-300	PREP	00-03-011	388-97-075	AMD	00-06-028
388-71-0465	NEW	00-04-056	388-87	PREP	00-03-011	388-97-076	NEW	00-06-028
388-71-0470	NEW	00-04-056	388-87-005	REP-P	00-09-043	388-97-077	NEW	00-06-028
388-71-0470	PREP	00-07-100	388-87-007	REP-P	00-09-043	388-97-080	REP	00-06-028
388-71-0475	NEW	00-04-056	388-87-008	REP-P	00-09-043	388-97-08010	NEW	00-06-028
388-71-0480	NEW	00-04-056	388-87-010	REP-P	00-09-043	388-97-08020	NEW	00-06-028
388-71-0480	PREP	00-07-100	388-87-011	REP-P	00-09-043	388-97-08030	NEW	00-06-028
388-71-0500	NEW	00-03-043	388-87-012	REP-P	00-09-043	388-97-08040	NEW	00-06-028
388-71-0505	NEW	00-03-043	388-87-015	REP-P	00-09-042	388-97-08050	NEW	00-06-028
388-71-0510	NEW	00-03-043	388-87-027	PREP	00-03-011	388-97-08060	NEW	00-06-028
388-71-0515	NEW	00-03-043	388-87-045	REP-XR	00-09-040	388-97-08070	NEW	00-06-028
388-71-0520	NEW	00-03-043	388-87-067	REP	00-05-039	388-97-085	AMD	00-06-028
388-71-0525	NEW	00-03-043	388-87-077	REP	00-05-039	388-97-090	AMD	00-06-028
388-71-0530	NEW	00-03-043	388-87-090	REP	00-04-019	388-97-095	REP	00-06-028
388-71-0535	NEW	00-03-043	388-87-200	PREP	00-07-056	388-97-097	NEW	00-06-028
388-71-0540	NEW	00-03-043	388-87-200	REP-P	00-09-043	388-97-100	REP	00-06-028
388-71-0545	NEW	00-03-043	388-90-010	REP	00-07-045	388-97-105	REP	00-06-028
388-71-0550	NEW	00-03-043	388-96-779	NEW-P	00-09-080	388-97-110	AMD	00-06-028
388-71-0555	NEW	00-03-043	388-96-780	NEW-P	00-09-080	388-97-115	AMD	00-06-028
388-71-0560	NEW	00-03-043	388-96-781	NEW-P	00-09-080	388-97-120	AMD	00-06-028
388-71-0580	NEW	00-03-043	388-96-782	NEW-P	00-09-080	388-97-12010	NEW	00-06-028
388-71-0600	NEW	00-04-056	388-96-901	AMD-P	00-09-080	388-97-12020	NEW	00-06-028
388-71-0605	NEW	00-04-056	388-97-005	AMD	00-06-028	388-97-12030	NEW	00-06-028
388-71-0610	NEW	00-04-056	388-97-010	REP	00-06-028	388-97-12040	NEW	00-06-028
388-71-0615	NEW	00-04-056	388-97-012	NEW	00-06-028	388-97-12050	NEW	00-06-028
388-71-0620	NEW	00-04-056	388-97-015	REP	00-06-028	388-97-12060	NEW	00-06-028
388-71-1000	NEW	00-04-056	388-97-017	NEW	00-06-028	388-97-12070	NEW	00-06-028
388-71-1005	NEW	00-04-056	388-97-020	REP	00-06-028	388-97-125	AMD	00-06-028
388-71-1010	NEW	00-04-056	388-97-022	NEW	00-06-028	388-97-130	AMD	00-06-028
388-71-1015	NEW	00-04-056	388-97-025	REP	00-06-028	388-97-135	AMD	00-06-028
388-71-1020	NEW	00-04-056	388-97-027	NEW	00-06-028	388-97-140	AMD	00-06-028
388-71-1025	NEW	00-04-056	388-97-030	REP	00-06-028	388-97-145	REP	00-06-028
388-71-1030	NEW	00-04-056	388-97-032	NEW	00-06-028	388-97-147	NEW	00-06-028
388-71-1035	NEW	00-04-056	388-97-035	REP	00-06-028	388-97-150	REP	00-06-028
388-71-1065	NEW	00-04-056	388-97-037	NEW	00-06-028	388-97-155	AMD	00-06-028
388-71-1070	NEW	00-04-056	388-97-040	REP	00-06-028	388-97-160	AMD	00-06-028
388-71-1075	NEW	00-04-056	388-97-042	NEW	00-06-028	388-97-162	NEW	00-06-028
388-71-1080	NEW	00-04-056	388-97-043	NEW	00-06-028	388-97-165	AMD	00-06-028
388-71-1085	NEW	00-04-056	388-97-045	REP	00-06-028	388-97-170	AMD	00-06-028
388-71-1090	NEW	00-04-056	388-97-047	NEW	00-06-028	388-97-175	AMD	00-06-028
388-71-1095	NEW	00-04-056	388-97-050	REP	00-06-028	388-97-180	AMD	00-06-028
388-71-1100	NEW	00-04-056	388-97-051	NEW	00-06-028	388-97-185	AMD	00-06-028
388-71-1105	NEW	00-04-056	388-97-052	NEW	00-06-028	388-97-190	AMD	00-06-028
388-71-1110	NEW	00-04-056	388-97-053	NEW	00-06-028	388-97-195	AMD	00-06-028
388-76-61510	PREP	00-07-057	388-97-055	AMD	00-06-028	388-97-200	REP	00-06-028
388-76-640	PREP	00-07-057	388-97-060	AMD	00-06-028	388-97-202	NEW	00-06-028
388-81	PREP	00-07-055	388-97-065	AMD	00-06-028	388-97-205	AMD	00-06-028
388-86	PREP	00-03-011	388-97-070	REP	00-06-028	388-97-210	REP	00-06-028
388-86-012	PREP	00-03-011	388-97-07005	NEW	00-06-028	388-97-212	NEW	00-06-028
388-86-012	REP-XR	00-08-057	388-97-07010	NEW	00-06-028	388-97-215	REP	00-06-028
388-86-017	PREP	00-05-108	388-97-07015	NEW	00-06-028	388-97-220	AMD	00-06-028
388-86-019	PREP	00-03-011	388-97-07020	NEW	00-06-028	388-97-225	REP	00-06-028
388-86-024	REP-P	00-09-041	388-97-07025	NEW	00-06-028	388-97-230	REP	00-06-028

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-235	REP	00-06-028	388-97-35060	NEW	00-06-028	388-97-47010	NEW	00-06-028
388-97-240	REP	00-06-028	388-97-352	NEW	00-06-028	388-97-47020	NEW	00-06-028
388-97-245	REP	00-06-028	388-97-353	NEW	00-06-028	388-97-475	REP	00-06-028
388-97-247	NEW	00-06-028	388-97-355	AMD	00-06-028	388-97-480	AMD	00-06-028
388-97-249	NEW	00-06-028	388-97-357	NEW	00-06-028	388-97-48010	NEW	00-06-028
388-97-250	REP	00-06-028	388-97-35710	NEW	00-06-028	388-97-48020	NEW	00-06-028
388-97-251	NEW	00-06-028	388-97-35720	NEW	00-06-028	388-97-48030	NEW	00-06-028
388-97-253	NEW	00-06-028	388-97-360	AMD	00-06-028	388-97-48040	NEW	00-06-028
388-97-255	REP	00-06-028	388-97-36010	NEW	00-06-028	388-97-550	NEW	00-06-028
388-97-260	AMD	00-06-028	388-97-36020	NEW	00-06-028	388-97-555	NEW	00-06-028
388-97-265	REP	00-06-028	388-97-36030	NEW	00-06-028	388-97-560	NEW	00-06-028
388-97-270	REP	00-06-028	388-97-36040	NEW	00-06-028	388-97-565	NEW	00-06-028
388-97-275	REP	00-06-028	388-97-36050	NEW	00-06-028	388-97-570	NEW	00-06-028
388-97-280	REP	00-06-028	388-97-36060	NEW	00-06-028	388-97-575	NEW	00-06-028
388-97-285	NEW	00-06-028	388-97-36070	NEW	00-06-028	388-97-580	NEW	00-06-028
388-97-295	AMD	00-06-028	388-97-365	AMD	00-06-028	388-97-585	NEW	00-06-028
388-97-29510	NEW	00-06-028	388-97-36510	NEW	00-06-028	388-97-590	NEW	00-06-028
388-97-29520	NEW	00-06-028	388-97-36520	NEW	00-06-028	388-97-595	NEW	00-06-028
388-97-29530	NEW	00-06-028	388-97-36530	NEW	00-06-028	388-97-600	NEW	00-06-028
388-97-29540	NEW	00-06-028	388-97-370	AMD	00-06-028	388-155-010	AMD	00-06-040
388-97-29550	NEW	00-06-028	388-97-37010	NEW	00-06-028	388-155-020	AMD	00-06-040
388-97-29560	NEW	00-06-028	388-97-37020	NEW	00-06-028	388-155-040	AMD-XA	00-09-089
388-97-300	REP	00-06-028	388-97-375	AMD	00-06-028	388-155-050	AMD-XA	00-09-089
388-97-305	REP	00-06-028	388-97-380	REP	00-06-028	388-155-060	AMD-XA	00-09-089
388-97-310	AMD	00-06-028	388-97-385	AMD	00-06-028	388-155-070	AMD	00-06-040
388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028	388-155-085	AMD-XA	00-09-089
388-97-320	REP	00-06-028	388-97-395	REP	00-06-028	388-155-090	AMD-XA	00-09-089
388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028	388-155-092	AMD-XA	00-09-089
388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028	388-155-093	AMD-XA	00-09-089
388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028	388-155-094	AMD-XA	00-09-089
388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028	388-155-095	AMD-XA	00-09-089
388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028	388-155-098	AMD	00-06-040
388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028	388-155-100	AMD	00-06-040
388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028	388-155-110	AMD	00-06-040
388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028	388-155-120	AMD	00-06-040
388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028	388-155-130	AMD	00-06-040
388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028	388-155-140	AMD	00-06-040
388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028	388-155-150	AMD	00-06-040
388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028	388-155-160	AMD-XA	00-09-089
388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028	388-155-165	AMD	00-06-040
388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028	388-155-170	AMD	00-06-040
388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028	388-155-180	AMD	00-06-040
388-97-335	AMD	00-06-028	388-97-43050	NEW	00-06-028	388-155-190	AMD-XA	00-09-089
388-97-33510	NEW	00-06-028	388-97-435	REP	00-06-028	388-155-200	AMD	00-06-040
388-97-33520	NEW	00-06-028	388-97-440	REP	00-06-028	388-155-210	REP	00-06-040
388-97-33530	NEW	00-06-028	388-97-445	REP	00-06-028	388-155-220	AMD	00-06-040
388-97-33540	NEW	00-06-028	388-97-450	REP	00-06-028	388-155-230	AMD	00-06-040
388-97-33550	NEW	00-06-028	388-97-455	AMD	00-06-028	388-155-240	AMD	00-06-040
388-97-33560	NEW	00-06-028	388-97-45510	NEW	00-06-028	388-155-250	AMD	00-06-040
388-97-33570	NEW	00-06-028	388-97-460	AMD	00-06-028	388-155-260	REP	00-06-040
388-97-33580	NEW	00-06-028	388-97-46010	NEW	00-06-028	388-155-270	AMD	00-06-040
388-97-340	AMD	00-06-028	388-97-465	AMD	00-06-028	388-155-270	AMD-XA	00-09-089
388-97-34010	NEW	00-06-028	388-97-46510	NEW	00-06-028	388-155-280	AMD	00-06-040
388-97-34020	NEW	00-06-028	388-97-46520	NEW	00-06-028	388-155-290	AMD	00-06-040
388-97-345	AMD	00-06-028	388-97-46530	NEW	00-06-028	388-155-295	AMD	00-06-040
388-97-347	NEW	00-06-028	388-97-46540	NEW	00-06-028	388-155-310	AMD	00-06-040
388-97-350	AMD	00-06-028	388-97-46550	NEW	00-06-028	388-155-320	AMD	00-06-040
388-97-35010	NEW	00-06-028	388-97-46560	NEW	00-06-028	388-155-330	AMD-XA	00-09-089
388-97-35020	NEW	00-06-028	388-97-46570	NEW	00-06-028	388-155-340	AMD	00-06-040
388-97-35030	NEW	00-06-028	388-97-46580	NEW	00-06-028	388-155-350	AMD	00-06-040
388-97-35040	NEW	00-06-028	388-97-46590	NEW	00-06-028	388-155-360	AMD	00-06-040
388-97-35050	NEW	00-06-028	388-97-470	AMD	00-06-028	388-155-370	AMD-XA	00-09-089

**TABLE**

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-155-380	AMD-XA	00-09-089	388-310-1400	AMD-P	00-03-051	388-490-0005	AMD	00-08-091
388-155-390	AMD	00-06-040	388-310-1400	AMD	00-06-062	388-492	PREP	00-08-088
388-155-400	AMD	00-06-040	388-310-1450	NEW-P	00-03-051	388-501-0125	PREP	00-03-011
388-155-410	AMD	00-06-040	388-310-1450	NEW	00-06-062	388-501-0150	REP-XR	00-09-038
388-155-420	AMD-XA	00-09-089	388-310-1800	PREP	00-07-102	388-501-0160	AMD	00-03-035
388-155-430	AMD	00-06-040	388-310-1850	AMD-E	00-03-013	388-501-0165	AMD	00-03-035
388-155-440	AMD	00-06-040	388-310-1850	AMD-P	00-04-091	388-501-0200	AMD-XA	00-07-044
388-155-450	AMD	00-06-040	388-310-1850	AMD	00-08-021	388-502-0010	NEW-P	00-09-043
388-155-460	AMD	00-06-040	388-400-0005	AMD	00-05-007	388-502-0020	NEW-P	00-09-043
388-155-470	AMD	00-06-040	388-400-0010	AMD	00-05-007	388-502-0030	NEW-P	00-09-043
388-155-480	AMD-XA	00-09-089	388-400-0025	PREP	00-08-056	388-502-0100	NEW-P	00-09-043
388-155-490	AMD	00-06-040	388-404-0005	AMD	00-05-007	388-502-0110	NEW-P	00-09-043
388-155-500	AMD	00-06-040	388-406-0015	AMD	00-06-015	388-502-0150	NEW-P	00-09-042
388-155-600	AMD	00-06-040	388-406-0060	PREP	00-06-060	388-502-0160	NEW-P	00-09-075
388-155-605	AMD-XA	00-09-089	388-408-0020	AMD	00-05-007	388-502-0205	PREP	00-06-022
388-155-610	AMD-XA	00-09-089	388-408-0025	PREP	00-08-050	388-502-0205	REP-P	00-09-043
388-155-620	AMD-XA	00-09-089	388-408-0035	PREP	00-08-052	388-502-0230	PREP	00-09-037
388-155-630	AMD-XA	00-09-089	388-414-0001	AMD-P	00-07-076	388-513-1380	AMD-E	00-08-003
388-155-640	AMD-XA	00-09-089	388-416-0015	AMD-P	00-04-045	388-529-2940	REP	00-05-039
388-155-650	AMD-XA	00-09-089	388-416-0015	AMD	00-08-002	388-529-2950	REP	00-05-039
388-155-660	AMD-XA	00-09-089	388-418-0012	REP-P	00-03-062	388-530-1000	PREP	00-07-087
388-155-670	AMD-XA	00-09-089	388-418-0012	REP	00-07-077	388-530-1050	PREP	00-07-087
388-155-680	AMD-XA	00-09-089	388-418-0025	AMD-P	00-04-045	388-530-1100	PREP	00-07-087
388-200-1160	REP	00-03-035	388-418-0025	AMD	00-08-002	388-530-1150	PREP	00-07-087
388-200-1300	PREP	00-04-036	388-424-0015	AMD-P	00-05-110	388-530-1200	PREP	00-07-087
388-200-1350	PREP	00-04-036	388-424-0015	AMD	00-08-060	388-530-1250	PREP	00-07-087
388-235	PREP	00-08-051	388-424-0025	AMD-E	00-08-004	388-530-1300	PREP	00-07-087
388-235-9000	AMD	00-05-007	388-424-0025	AMD-P	00-09-082	388-530-1350	PREP	00-07-087
388-255	PREP	00-08-054	388-426	PREP	00-09-032	388-530-1400	PREP	00-07-087
388-265-1650	PREP	00-07-101	388-430-0001	REP	00-05-007	388-530-1450	PREP	00-07-087
388-265-1750	PREP	00-07-101	388-430-0005	REP	00-05-007	388-530-1500	PREP	00-07-087
388-290-850	AMD-E	00-08-061	388-430-0010	REP	00-05-007	388-530-1550	PREP	00-07-087
388-290-854	NEW-E	00-08-061	388-430-0015	REP	00-05-007	388-530-1650	PREP	00-07-087
388-290-858	NEW-E	00-08-061	388-430-0020	REP	00-05-007	388-530-1700	PREP	00-07-087
388-290-862	NEW-E	00-08-061	388-430-0025	REP	00-05-007	388-530-1750	PREP	00-07-088
388-290-866	NEW-E	00-08-061	388-436-0010	REP-P	00-06-067	388-530-1850	PREP	00-07-087
388-290-870	NEW-E	00-08-061	388-440	PREP	00-09-032	388-530-1900	PREP	00-07-087
388-290-874	NEW-E	00-08-061	388-440-0001	AMD	00-03-034	388-530-1950	PREP	00-07-087
388-290-878	NEW-E	00-08-061	388-440-0005	AMD	00-03-034	388-532	PREP	00-07-056
388-290-882	NEW-E	00-08-061	388-442-0010	AMD	00-05-007	388-533-0300	NEW-P	00-09-041
388-290-886	NEW-E	00-08-061	388-444-0015	AMD	00-04-006	388-538-001	REP	00-04-080
388-290-888	NEW-E	00-08-061	388-444-0035	AMD	00-04-006	388-538-050	AMD	00-04-080
388-290-905	AMD-E	00-08-061	388-444-0055	AMD	00-04-006	388-538-060	AMD	00-04-080
388-290-910	AMD-E	00-08-061	388-444-0065	AMD	00-04-006	388-538-065	NEW	00-04-080
388-290-925	AMD-E	00-08-061	388-444-0075	AMD	00-04-006	388-538-066	NEW	00-04-080
388-290-940	AMD-E	00-08-061	388-448-0001	PREP	00-08-055	388-538-070	AMD	00-04-080
388-290-945	AMD-E	00-08-061	388-448-0005	PREP	00-08-055	388-538-080	AMD	00-04-080
388-310-0200	AMD-P	00-03-051	388-450-0015	PREP	00-03-060	388-538-090	REP	00-04-080
388-310-0200	AMD	00-06-062	388-450-0015	AMD-E	00-06-023	388-538-095	AMD	00-04-080
388-310-0200	PREP	00-07-102	388-450-0015	AMD-P	00-09-081	388-538-100	AMD	00-04-080
388-310-0300	AMD-P	00-03-051	388-450-0035	AMD-E	00-02-062	388-538-110	AMD	00-04-080
388-310-0300	AMD	00-06-062	388-478-0050	PREP	00-08-053	388-538-120	AMD	00-04-080
388-310-0400	AMD-P	00-03-051	388-478-0055	AMD-P	00-08-058	388-538-130	AMD	00-04-080
388-310-0400	AMD	00-06-062	388-478-0055	AMD-E	00-08-059	388-538-140	AMD	00-04-080
388-310-0400	PREP	00-07-102	388-478-0070	AMD-P	00-07-075	388-538-150	REP	00-04-080
388-310-0500	PREP	00-07-102	388-478-0075	PREP	00-07-054	388-539	PREP	00-05-038
388-310-0600	PREP	00-07-102	388-478-0075	AMD-E	00-07-089	388-542-0050	NEW-P	00-03-061
388-310-0700	AMD-P	00-03-051	388-478-0080	AMD-P	00-07-075	388-542-0050	NEW	00-07-103
388-310-0700	AMD	00-06-062	388-478-0085	PREP	00-07-054	388-542-0100	NEW-P	00-03-061
388-310-0800	PREP	00-05-109	388-478-0085	AMD-E	00-07-089	388-542-0100	NEW	00-07-103
388-310-0800	AMD-E	00-06-061	388-480-0001	AMD	00-05-007	388-542-0125	NEW-P	00-03-061
388-310-0800	AMD-P	00-08-089	388-490-0005	AMD-P	00-04-092	388-542-0125	NEW	00-07-103

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388-542-0150	NEW	00-07-103	392-139-610	AMD	00-09-017	392-140-747	REP	00-02-063
388-542-0200	NEW-P	00-03-061	392-139-615	AMD-P	00-05-061	392-140-900	NEW	00-02-063
388-542-0200	NEW	00-07-103	392-139-615	AMD	00-09-017	392-140-901	NEW	00-02-063
388-542-0250	NEW-P	00-03-061	392-139-620	AMD-P	00-05-061	392-140-902	NEW	00-02-063
388-542-0250	NEW	00-07-103	392-139-620	AMD	00-09-017	392-140-903	NEW	00-02-063
388-542-0275	NEW-P	00-03-061	392-139-622	REP-P	00-05-061	392-140-905	NEW	00-02-063
388-542-0275	NEW	00-07-103	392-139-622	REP	00-09-017	392-140-906	NEW	00-02-063
388-542-0300	NEW-P	00-03-061	392-139-623	REP-P	00-05-061	392-140-907	NEW	00-02-063
388-542-0300	NEW	00-07-103	392-139-623	REP	00-09-017	392-140-908	NEW	00-02-063
388-545-0500	PREP	00-08-020	392-139-625	AMD-P	00-05-061	392-140-910	NEW	00-02-063
388-545-500	NEW	00-04-019	392-139-625	AMD	00-09-017	392-140-911	NEW	00-02-063
388-547	PREP	00-03-010	392-139-660	AMD-P	00-05-061	392-140-912	NEW	00-02-063
388-550-4500	AMD-W	00-06-046	392-139-660	AMD	00-09-017	392-140-913	NEW	00-02-063
388-825-226	AMD-P	00-05-107	392-139-661	REP-P	00-05-061	392-172-107	NEW-W	00-06-045
388-825-226	AMD	00-08-090	392-139-661	REP	00-09-017	392-172-109	NEW-W	00-06-045
388-825-228	AMD-P	00-05-107	392-139-670	AMD-P	00-05-061	392-172-161	NEW-W	00-06-045
388-825-228	AMD	00-08-090	392-139-670	AMD	00-09-017	392-300-070	NEW-E	00-05-099
388-825-254	AMD-P	00-05-107	392-139-676	AMD-P	00-05-061	392-300-070	PREP	00-09-023
388-825-254	AMD	00-08-090	392-139-676	AMD	00-09-017	399-30-030	PREP	00-04-096
388-890-0735	NEW-W	00-02-065	392-140-600	AMD	00-03-015	399-30-030	AMD-E	00-04-097
388-890-0740	NEW-W	00-02-065	392-140-601	AMD	00-03-015	399-30-030	AMD-P	00-08-010
388-890-0865	NEW-W	00-02-065	392-140-605	AMD	00-03-015	399-50-010	NEW-C	00-04-100
390-05-400	AMD	00-04-058	392-140-613	AMD	00-03-015	399-50-020	NEW-C	00-04-100
391-08	PREP	00-04-070	392-140-625	AMD	00-03-015	399-50-030	NEW-C	00-04-100
391-45	PREP	00-04-070	392-140-626	NEW	00-03-015	399-50-040	NEW-C	00-04-100
391-45-070	AMD-E	00-03-053	392-140-630	AMD	00-03-015	415-02-010	AMD-P	00-04-025
391-45-110	AMD-E	00-03-053	392-140-660	AMD	00-03-015	415-02-020	AMD-P	00-04-025
391-45-130	AMD-E	00-03-053	392-140-665	REP	00-03-015	415-02-030	AMD-P	00-04-025
391-95	PREP	00-04-070	392-140-675	AMD	00-03-015	415-02-040	REP-P	00-04-025
392-117-045	AMD-P	00-09-072	392-140-680	AMD	00-03-015	415-02-050	AMD-P	00-04-025
392-127-011	AMD	00-02-064	392-140-700	REP	00-02-063	415-02-060	AMD-P	00-04-025
392-127-015	AMD	00-02-064	392-140-701	REP	00-02-063	415-02-070	REP-P	00-04-025
392-127-030	REP	00-02-064	392-140-702	REP	00-02-063	415-02-080	AMD-P	00-04-025
392-127-035	REP	00-02-064	392-140-710	REP	00-02-063	415-02-100	AMD-P	00-04-025
392-127-040	REP	00-02-064	392-140-711	REP	00-02-063	415-02-120	NEW-P	00-04-025
392-127-050	REP	00-02-064	392-140-712	REP	00-02-063	415-02-130	NEW-P	00-04-025
392-127-055	REP	00-02-064	392-140-713	REP	00-02-063	415-04	PREP	00-04-061
392-127-060	REP	00-02-064	392-140-714	REP	00-02-063	415-08	PREP	00-04-061
392-127-065	AMD	00-02-064	392-140-715	REP	00-02-063	415-10	PREP	00-04-062
392-127-070	AMD	00-02-064	392-140-716	REP	00-02-063	415-103-215	NEW-P	00-08-085
392-127-085	AMD	00-02-064	392-140-720	REP	00-02-063	415-104-450	NEW-P	00-04-023
392-127-095	REP	00-02-064	392-140-721	REP	00-02-063	415-108-315	NEW-P	00-04-024
392-127-101	REP	00-02-064	392-140-722	REP	00-02-063	415-112-125	AMD-P	00-04-024
392-127-106	REP	00-02-064	392-140-723	REP	00-02-063	415-112-140	AMD-P	00-04-024
392-127-111	AMD	00-02-064	392-140-724	REP	00-02-063	415-112-145	AMD-P	00-04-024
392-127-112	NEW	00-02-064	392-140-725	REP	00-02-063	415-112-155	AMD-P	00-04-024
392-127-810	REP	00-02-064	392-140-726	REP	00-02-063	415-112-330	AMD-P	00-04-024
392-139-001	AMD-P	00-05-061	392-140-727	REP	00-02-063	415-112-415	AMD-XA	00-08-030
392-139-001	AMD	00-09-017	392-140-728	REP	00-02-063	415-112-460	AMD-P	00-04-024
392-139-005	AMD-P	00-05-061	392-140-730	REP	00-02-063	415-112-4605	AMD-P	00-04-024
392-139-005	AMD	00-09-017	392-140-731	REP	00-02-063	415-112-4608	AMD-P	00-04-024
392-139-007	AMD-P	00-05-061	392-140-732	REP	00-02-063	415-112-471	AMD-P	00-04-024
392-139-007	AMD	00-09-017	392-140-733	REP	00-02-063	415-112-473	AMD-P	00-04-024
392-139-008	NEW-P	00-05-061	392-140-735	REP	00-02-063	415-112-475	AMD-P	00-04-024
392-139-008	NEW	00-09-017	392-140-736	REP	00-02-063	415-112-477	AMD-P	00-04-024
392-139-310	AMD-P	00-05-061	392-140-740	REP	00-02-063	415-112-705	NEW-P	00-04-024
392-139-310	AMD	00-09-017	392-140-741	REP	00-02-063	415-112-920	NEW-P	00-04-024
392-139-320	AMD-P	00-05-061	392-140-742	REP	00-02-063	415-112-950	NEW-P	00-04-024
392-139-320	AMD	00-09-017	392-140-743	REP	00-02-063	415-501-010	AMD-P	00-08-092
392-139-605	REP-P	00-05-061	392-140-744	REP	00-02-063	415-501-020	AMD-P	00-08-092
392-139-605	REP	00-09-017	392-140-745	REP	00-02-063	415-501-110	RECOD-P	00-08-092

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415-501-130	RECOD-P	00-08-092	415-504-110	AMD-P	00-08-092	415-564-030	DECOD-P	00-08-092
415-501-140	RECOD-P	00-08-092	415-504-110	DECOD-P	00-08-092	415-564-040	AMD-P	00-08-092
415-501-150	RECOD-P	00-08-092	415-508-010	AMD-P	00-08-092	415-564-040	DECOD-P	00-08-092
415-501-160	RECOD-P	00-08-092	415-508-010	DECOD-P	00-08-092	415-564-050	AMD-P	00-08-092
415-501-170	RECOD-P	00-08-092	415-508-020	DECOD-P	00-08-092	415-564-050	DECOD-P	00-08-092
415-501-180	RECOD-P	00-08-092	415-508-030	DECOD-P	00-08-092	415-564-060	DECOD-P	00-08-092
415-501-190	RECOD-P	00-08-092	415-508-040	DECOD-P	00-08-092	415-568-010	DECOD-P	00-08-092
415-501-200	RECOD-P	00-08-092	415-508-050	AMD-P	00-08-092	415-568-020	DECOD-P	00-08-092
415-501-210	RECOD-P	00-08-092	415-508-050	DECOD-P	00-08-092	434-219-020	AMD	00-03-003
415-501-300	RECOD-P	00-08-092	415-512-010	AMD-P	00-08-092	434-219-120	AMD	00-03-003
415-501-305	RECOD-P	00-08-092	415-512-010	DECOD-P	00-08-092	434-219-160	AMD	00-03-003
415-501-310	RECOD-P	00-08-092	415-512-015	AMD-P	00-08-092	434-219-160	AMD-E	00-03-036
415-501-315	NEW-P	00-08-092	415-512-015	DECOD-P	00-08-092	434-219-165	NEW	00-03-003
415-501-320	RECOD-P	00-08-092	415-512-020	AMD-P	00-08-092	434-219-170	NEW	00-03-003
415-501-330	RECOD-P	00-08-092	415-512-020	DECOD-P	00-08-092	434-219-180	AMD	00-03-003
415-501-340	RECOD-P	00-08-092	415-512-030	AMD-P	00-08-092	434-219-185	NEW	00-03-003
415-501-350	RECOD-P	00-08-092	415-512-030	DECOD-P	00-08-092	434-219-210	AMD	00-03-003
415-501-360	RECOD-P	00-08-092	415-512-040	AMD-P	00-08-092	434-219-220	AMD	00-03-003
415-501-370	RECOD-P	00-08-092	415-512-040	DECOD-P	00-08-092	434-219-230	AMD	00-03-003
415-501-380	RECOD-P	00-08-092	415-512-050	AMD-P	00-08-092	434-219-240	AMD	00-03-003
415-501-390	RECOD-P	00-08-092	415-512-050	DECOD-P	00-08-092	434-219-250	AMD	00-03-003
415-501-410	RECOD-P	00-08-092	415-512-070	AMD-P	00-08-092	434-219-255	NEW	00-03-003
415-501-415	RECOD-P	00-08-092	415-512-070	DECOD-P	00-08-092	434-219-260	AMD	00-03-003
415-501-420	RECOD-P	00-08-092	415-512-075	AMD-P	00-08-092	434-219-270	AMD	00-03-003
415-501-430	RECOD-P	00-08-092	415-512-075	DECOD-P	00-08-092	434-219-280	AMD	00-03-003
415-501-440	RECOD-P	00-08-092	415-512-080	AMD-P	00-08-092	434-219-280	AMD-E	00-05-093
415-501-450	RECOD-P	00-08-092	415-512-080	DECOD-P	00-08-092	434-219-285	NEW	00-03-003
415-501-470	RECOD-P	00-08-092	415-512-085	AMD-P	00-08-092	434-219-290	AMD	00-03-003
415-501-475	RECOD-P	00-08-092	415-512-085	DECOD-P	00-08-092	434-219-300	NEW	00-03-003
415-501-480	RECOD-P	00-08-092	415-512-086	AMD-P	00-08-092	434-219-310	AMD	00-03-003
415-501-485	RECOD-P	00-08-092	415-512-086	DECOD-P	00-08-092	434-219-320	AMD	00-03-003
415-501-486	RECOD-P	00-08-092	415-512-087	AMD-P	00-08-092	434-230-170	AMD-S	00-07-052
415-501-487	RECOD-P	00-08-092	415-512-087	DECOD-P	00-08-092	434-230-210	AMD-S	00-07-052
415-501-490	RECOD-P	00-08-092	415-512-090	AMD-P	00-08-092	434-230-220	NEW-S	00-07-052
415-501-495	RECOD-P	00-08-092	415-512-090	DECOD-P	00-08-092	434-240-202	NEW-E	00-03-036
415-501-500	RECOD-P	00-08-092	415-512-095	AMD-P	00-08-092	434-257	AMD-E	00-04-010
415-501-510	RECOD-P	00-08-092	415-512-095	DECOD-P	00-08-092	434-257-010	AMD-E	00-04-010
415-501-520	RECOD-P	00-08-092	415-512-110	AMD-P	00-08-092	434-257-020	AMD-E	00-04-010
415-501-530	RECOD-P	00-08-092	415-512-110	DECOD-P	00-08-092	434-257-030	AMD-E	00-04-010
415-501-540	RECOD-P	00-08-092	415-524-010	AMD-P	00-08-092	434-257-050	REP-E	00-04-010
415-501-550	RECOD-P	00-08-092	415-524-010	DECOD-P	00-08-092	434-257-070	AMD-E	00-04-010
415-501-560	RECOD-P	00-08-092	415-528-010	DECOD-P	00-08-092	434-257-080	REP-E	00-04-010
415-501-570	RECOD-P	00-08-092	415-532-010	AMD-P	00-08-092	434-257-090	AMD-E	00-04-010
415-501-580	RECOD-P	00-08-092	415-532-010	DECOD-P	00-08-092	434-257-100	AMD-E	00-04-010
415-501-590	RECOD-P	00-08-092	415-532-020	AMD-P	00-08-092	434-257-120	REP-E	00-04-010
415-501-600	RECOD-P	00-08-092	415-532-020	DECOD-P	00-08-092	434-257-130	AMD-E	00-04-010
415-501-610	RECOD-P	00-08-092	415-536-010	AMD-P	00-08-092	434-257-150	AMD-E	00-04-010
415-501-710	RECOD-P	00-08-092	415-536-010	DECOD-P	00-08-092	434-262-080	AMD-P	00-05-095
415-501-720	RECOD-P	00-08-092	415-540-010	AMD-P	00-08-092	434-262-110	AMD-P	00-05-095
415-504-010	AMD-P	00-08-092	415-540-010	DECOD-P	00-08-092	434-262-120	AMD-P	00-05-095
415-504-010	DECOD-P	00-08-092	415-544-010	AMD-P	00-08-092	434-334-090	AMD-P	00-05-094
415-504-020	DECOD-P	00-08-092	415-544-010	DECOD-P	00-08-092	434-334-110	AMD-P	00-05-094
415-504-030	DECOD-P	00-08-092	415-548-010	DECOD-P	00-08-092	434-334-127	NEW-P	00-05-094
415-504-040	DECOD-P	00-08-092	415-552-010	AMD-P	00-08-092	434-334-140	AMD-P	00-05-094
415-504-050	DECOD-P	00-08-092	415-552-010	DECOD-P	00-08-092	434-334-160	AMD-P	00-05-094
415-504-060	DECOD-P	00-08-092	415-556-010	AMD-P	00-08-092	434-334-165	AMD-P	00-05-094
415-504-070	DECOD-P	00-08-092	415-556-010	DECOD-P	00-08-092	434-381	PREP	00-09-027
415-504-080	DECOD-P	00-08-092	415-560-010	DECOD-P	00-08-092	434-381-010	REP-E	00-09-028
415-504-090	AMD-P	00-08-092	415-564-010	AMD-P	00-08-092	434-381-020	REP-E	00-09-028
415-504-090	DECOD-P	00-08-092	415-564-010	DECOD-P	00-08-092	434-381-030	REP-E	00-09-028
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434-663-460	REP-P	00-04-083	458- 40-060	PREP	00-08-109	478-324-030	AMD	00-04-039
434-663-470	REP-P	00-04-083	458- 40-650	PREP	00-08-108	478-324-040	AMD	00-04-039
434-663-480	REP-P	00-04-083	458- 40-660	PREP	00-06-053	478-324-045	NEW	00-04-039
434-663-490	AMD-P	00-04-083	458- 61-230	AMD-P	00-04-055	478-324-050	REP	00-04-039
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446- 85-005	NEW-P	00-06-037	460- 46A-061	REP	00-04-095	480- 15-570	AMD-P	00-09-079
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458- 12-320	AMD-P	00-05-033	460- 46A-072	REP	00-04-095	480- 15-660	AMD-P	00-09-079
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480- 60-014	NEW	00-04-011	495A-121-028	NEW-P	00-05-017	495C-276-080	AMD-P	00-08-105
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480- 60-035	NEW	00-04-011	495A-121-041	NEW-P	00-05-017	495C-276-140	REP-P	00-08-105
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480- 66-070	REP	00-04-011	495A-121-066	NEW-P	00-05-017	495D-122-010	REP-XR	00-09-006
480- 66-100	NEW	00-04-011	495A-121-070	NEW-P	00-05-017	495D-122-020	REP-XR	00-09-006
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480- 66-150	NEW	00-04-011	495A-121-093	NEW-P	00-05-017	516- 34	PREP	00-07-078
480- 66-160	NEW	00-04-011	495A-121-094	NEW-P	00-05-017	516- 35	PREP	00-07-078
480- 66-170	NEW	00-04-011	495C-104-010	AMD-P	00-08-105	516- 52	PREP	00-05-030
480- 66-200	NEW	00-04-011	495C-108-040	AMD-P	00-08-105	516- 52-010	AMD-P	00-08-065
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480- 66-220	NEW	00-04-011	495C-116-110	AMD-P	00-08-105			
480- 66-230	NEW	00-04-011	495C-116-130	AMD-P	00-08-105			
480- 66-300	NEW	00-04-011	495C-116-160	AMD-P	00-08-105			
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480- 66-430	NEW	00-04-011	495C-120-040	AMD-P	00-08-105			
480- 66-440	NEW	00-04-011	495C-120-041	NEW-P	00-08-105			
480- 66-450	NEW	00-04-011	495C-120-045	AMD-P	00-08-105			
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(Citation in **bold type** refer to material in this issue)

drugs and medication	PERM	00-01-040	residency and reciprocity	PROP	00-07-126
hospital services				<b>PROP</b>	<b>00-09-009</b>
payment	PERM	00-06-027	veterans	PERM	00-01-151
payment to out-of-state hospitals	PROP	00-05-111	Off-road and nonhighway vehicles	PREP	00-06-034
	<b>PERM</b>	<b>00-09-078</b>		<b>PERM</b>	<b>00-09-066</b>
medical coverage, determination	PERM	00-01-037	Real estate appraisers		
provider application process	PROP	00-05-111	uniform standards of practice	PROP	00-01-021
provider reporting requirements	PERM	00-01-190		PERM	00-04-057
reimbursement rates	PREP	00-01-189	Real estate commission		
	PREP	00-01-191	meetings	MISC	00-01-116
	EXAD	00-01-192	Reciprocity and proration	PREP	00-03-038
	PROP	00-05-112	rules review	PROP	00-03-063
	<b>PERM</b>	<b>00-09-077</b>		PERM	00-08-035
retrospective rating	PROP	00-02-045	Rules agenda	MISC	00-04-035
self insurers	PROP	00-05-111	Snowmobiles	PREP	00-01-153
				PROP	00-05-050
				PREP	00-06-034
				PREP	00-07-094
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>			Special fuel tax	<b>PERM</b>	<b>00-09-066</b>
Meetings	MISC	00-01-091		PREP	00-03-037
Outstanding debt	<b>EXRE</b>	<b>00-09-006</b>	Title and registration advisory committee	PREP	00-08-062
Students			meetings	MISC	00-08-023
conduct code	PERM	00-03-031		MISC	00-08-070
refunds	PERM	00-03-030	Tow truck operators	PERM	00-01-058
			Transporters	PREP	00-06-032
<b>LAND SURVEYORS</b>				<b>PROP</b>	<b>00-09-070</b>
(See <b>LICENSING, DEPARTMENT OF</b> )			Travel sellers	PERM	00-01-128
				PROP	00-08-005
<b>LICENSING, DEPARTMENT OF</b>			Uniform commercial code		
Aircraft fuel tax	PREP	00-08-064	fees	PERM	00-02-013
Bail bond agents			forms	PERM	00-02-013
rules review	PERM	00-01-061	Vessels		
Boxing, wrestling, and martial arts			dealer registration	PREP	00-06-033
adjudicative procedures	PERM	00-02-054		<b>PERM</b>	<b>00-09-065</b>
licenses	PERM	00-02-054	registration and certificate of title	PERM	00-01-027
rules update	PREP	00-01-042		PREP	00-01-034
Consolidated licensing system	PREP	00-08-067		PREP	00-01-154
Engineers and land surveyors, board of				PROP	00-05-049
registration for professional				PROP	00-05-056
meetings	MISC	00-01-083		PROP	00-07-065
wastewater, on-site treatment systems	PREP	00-01-202		PREP	00-07-093
designer licensing	PREP	00-04-060		PREP	00-07-104
	PREP	00-06-031		PREP	00-07-105
	<b>PROP</b>	<b>00-09-071</b>		PREP	00-07-106
Hulk haulers/scrap processors				PREP	00-07-107
				<b>PERM</b>	<b>00-09-065</b>
Manufactured homes	PROP	00-01-005	Wastewater, on-site treatment systems		
certificate of ownership	PREP	00-01-035	designer licensing	PREP	00-01-202
	PERM	00-06-004		PREP	00-04-060
	<b>PROP</b>	<b>00-09-007</b>	practice permit	PROP	00-04-059
Motor vehicle excise tax				PERM	00-08-042
armed forces nonresident exemption	PROP	00-01-152		PREP	00-06-007
Initiative 695 implementation	PREP	00-06-001	Wreckers	<b>PROP</b>	<b>00-09-069</b>
Motor vehicle fuel tax	PREP	00-08-063			
Motor vehicles					
abandoned and unauthorized vehicles,					
impound	PERM	00-01-058			
	PERM	00-01-061			
branding and special built vehicles	PERM	00-04-046	<b>LIQUOR CONTROL BOARD</b>		
certificate of title	PERM	00-01-150	Administrative director	PROP	00-02-089
	PREP	00-07-092		PERM	00-06-016
	<b>PREP</b>	<b>00-09-018</b>	Alcohol server training program	PREP	00-01-198
commercial driver's license	PERM	00-02-017	Beer		
destroyed vehicles	PROP	00-01-060	tax reporting and payment requirements	<b>PROP</b>	<b>00-09-095</b>
	PERM	00-06-025	Disposition of liquor stock	PREP	00-01-199
disabled person parking	PREP	00-08-043	Licenses		
Initiative 695 implementation	PREP	00-06-001	retail	PERM	00-07-091
	<b>PROP</b>	<b>00-09-019</b>		EXAD	00-07-116
licenses	PREP	00-01-036	Liquor law pamphlets and reports	PERM	00-07-117
	PROP	00-03-094	Orders	PREP	00-02-088
	PREP	00-07-108	Public records	PREP	00-02-087
	<b>PERM</b>	<b>00-09-008</b>	Samples	PREP	00-02-088
licensing offices			Seal of board	PREP	00-02-087
dishonored check handling	PREP	00-01-098	Studies and research	EXRE	00-02-086
	PROP	00-05-014	Tobacco products		
	PERM	00-08-032	sale and distribution	PROP	00-01-197
motor carriers	PERM	00-07-053	Transportation through state	PREP	00-02-087
motorcycle endorsement	PERM	00-02-017	Vendors	PREP	00-02-087
odometer disclosure statements	PROP	00-01-045	Wine		
	PERM	00-06-020	tax reporting and payment requirements	<b>PROP</b>	<b>00-09-095</b>
parking ticket collection	PERM	00-03-057			
rental car business	PROP	00-01-059			
	PERM	00-06-024			

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(Citation in bold type refer to material in this issue)

General provisions			Standby pay	PROP	00-04-052
payment of prizes	PREP	00-05-059	Transition pool program	PROP	00-06-047
Instant game rules	PROP	00-07-130			
Meetings	EXRE	00-02-055	<b>PERSONNEL RESOURCES BOARD</b>		
Policy statements	PERM	00-07-131	(See <b>PERSONNEL, DEPARTMENT OF</b> )		
Retailer compensation	MISC	00-01-008	<b>PIERCE COLLEGE</b>		
	MISC	00-04-042	Meetings	MISC	00-06-003
	PREP	00-01-052			
<b>LOWER COLUMBIA COLLEGE</b>			<b>PILOTAGE COMMISSIONERS, BOARD OF</b>		
Rules coordinator	MISC	00-01-090	Puget Sound district annual tariff	PROP	00-08-106
<b>MANUFACTURED HOMES</b>			<b>PRISONS AND PRISONERS</b>		
(See <b>LICENSING, DEPARTMENT OF</b> )			(See <b>CORRECTIONS, DEPARTMENT OF</b> )		
<b>MEDICAL ASSISTANCE</b>			<b>PROPERTY TAX</b>		
(See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )			(See <b>REVENUE, DEPARTMENT OF</b> )		
<b>MILITARY DEPARTMENT</b>			<b>PUBLIC ASSISTANCE</b>		
Local emergency services	EXRE	00-01-118	(See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )		
	PERM	00-05-011			
Uniform procedural rules	EXRE	00-01-117	<b>PUBLIC DISCLOSURE COMMISSION</b>		
	PERM	00-05-012	Contributions to candidates, elected officials,		
			political committees or public office funds		
			limitations	PROP	00-01-140A
<b>MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF</b>			Meetings	PERM	00-04-058
Rules coordinator, phone number	MISC	00-01-016		MISC	00-07-022
				MISC	00-07-036
<b>MOTOR VEHICLES</b>			<b>PUBLIC EMPLOYEES BENEFITS BOARD</b>		
(See <b>LICENSING, DEPARTMENT OF</b> )			(See <b>HEALTH CARE AUTHORITY</b> )		
<b>NATURAL RESOURCES, DEPARTMENT OF</b>			<b>PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>		
Board of natural resources			Meetings	MISC	00-01-109
meetings	MISC	00-02-071		MISC	00-06-002
	MISC	00-08-025			
Survey maps	PROP	00-08-034	Unfair labor practices		
<b>NORTHWEST AIR POLLUTION AUTHORITY</b>			complaints	PREP	00-04-070
Odor control measures	PROP	00-04-049	designation of authority	EMER	00-03-053
	PERM	00-07-096		MISC	00-03-054
				PREP	00-04-070
<b>NOXIOUS WEED CONTROL BOARD</b>			<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>		
(See <b>AGRICULTURE, DEPARTMENT OF</b> )			Certificated instructional staff		
<b>NURSING CARE</b>			ratio compliance	PERM	00-02-064
(See <b>HEALTH, DEPARTMENT OF</b> )			K-4 staff enhancement fund	PERM	00-02-063
			Local effort assistance allocations	PROP	00-05-061
<b>OLYMPIC COLLEGE</b>				PERM	00-09-017
Meetings	MISC	00-02-029	Private school fingerprint process	EMER	00-05-099
	MISC	00-05-042		PREP	00-09-023
<b>OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR</b>			School district funding reports		
Land and water conservation fund,			corrections to data	PROP	00-09-072
administration	PERM	00-05-008	Special education services	PERM	00-03-015
Meetings	MISC	00-04-050		PROP	00-06-045
Salmon recovery funding board			<b>PUBLIC WORKS BOARD</b>		
meetings	MISC	00-03-009	(See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )		
<b>PARKS AND RECREATION COMMISSION</b>			<b>PUGET SOUND AIR POLLUTION CONTROL AGENCY</b>		
Meetings	MISC	00-01-146	(See <b>PUGET SOUND CLEAN AIR AGENCY</b> )		
Public use of park areas	PERM	00-01-201	<b>PUGET SOUND CLEAN AIR AGENCY</b>		
volunteer fees	PREP	00-04-081	Air pollution		
<b>PENINSULA COLLEGE</b>			discharge requirement variances	PERM	00-01-057
Meetings	MISC	00-08-012	Asbestos-containing materials	PROP	00-04-093
				PROP	00-07-062
<b>PERSONNEL, DEPARTMENT OF</b>				PROP	00-09-068
Affirmative action plans	PROP	00-04-052	Gasoline storage and distribution	PERM	00-01-057
Appointments			Meetings	MISC	00-01-048
veterans	PROP	00-04-052	Petroleum solvent dry cleaning systems	PROP	00-03-082
	PROP	00-06-050		PROP	00-07-067
Call-back for work	PROP	00-01-097	Spray coating operations	PERM	00-01-057
Eligible lists and referrals	PROP	00-04-054			
	PROP	00-06-049	<b>QUARTERLY REPORTS</b>		
	PROP	00-04-053	(See <b>CODE REVISER'S OFFICE</b> )		
	PROP	00-06-051	<b>REAL ESTATE APPRAISERS</b>		
	PROP	00-04-054	(See <b>LICENSING, DEPARTMENT OF</b> )		
	PROP	00-05-060	<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>		
	PROP	00-06-048	Deferred compensation plan		
	PROP	00-04-052	record-keeping system	PROP	00-08-092



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(Citation in **bold type** refer to material in this issue)

General rules update	PROP	00-04-025	<b>SALARIES FOR ELECTED OFFICIALS</b> (See <b>CITIZENS COMMISSION ON SALARIES FOR ELECTED OFFICIALS</b> )		
Law enforcement officers and fire fighters retirement system (LEOFF)					
actuarially equivalent options	PREP	00-08-093			
rules update	PROP	00-04-023	<b>SALES TAX</b> (See <b>REVENUE, DEPARTMENT OF</b> )		
Petitions and appeals processes	PREP	00-04-061			
Public employees' retirement system (PERS)			<b>SALMON RECOVERY FUNDING BOARD</b> (See <b>OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR</b> )		
actuarially equivalent options	PREP	00-08-093			
beneficiary designation	PROP	00-04-024			
rules, clear writing requirement	PREP	00-08-007A			
Repurchase of service credit	PREP	00-04-062			
Teachers' retirement system (TRS)			<b>SCHOOLS</b> (See <b>EDUCATION, STATE BOARD OF</b> )		
actuarially equivalent options	PREP	00-08-093			
rules, clear writing requirement	PREP	00-08-007A			
unused leave	EXAD	00-08-030	<b>SEATTLE COMMUNITY COLLEGES</b>		
Washington school employees' retirement system (WSERS)			Meetings	MISC	00-02-028
actuarially equivalent options	PREP	00-08-093			
Washington state patrol retirement system (WSPRS)			<b>SECRETARY OF STATE</b>		
actuarially equivalent options	PROP	00-08-085	Elections		
	PREP	00-08-093	ballots		
			political party designation	PROP	00-07-052
			certification	PREP	00-01-019
				PROP	00-05-095
			computer file of registered voters	EMER	00-01-007
			presidential primary	PERM	00-03-003
				EMER	00-03-036
				EMER	00-05-093
			suspected multiple county registrations	EMER	00-01-203
			tabulation equipment tests	EMER	00-01-017
				PREP	00-01-018
				PROP	00-05-094
			voter pamphlet	<b>PREP</b>	<b>00-09-027</b>
				<b>EMER</b>	<b>00-09-028</b>
			Public records		
			electronic imaging systems for maintenance	PROP	00-04-083
			Recodification of WAC sections	EMER	00-04-010
			<b>SECURITIES</b> (See <b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b> )		
			<b>SENTENCING GUIDELINES COMMISSION</b>		
			Community custody	PROP	00-07-124
			<b>SHORELINE COMMUNITY COLLEGE</b>		
			Meetings	MISC	00-07-033
			Public records	PROP	00-02-074
				PROP	00-06-074
			<b>SKAGIT VALLEY COLLEGE</b>		
			Meetings	MISC	00-02-022
				MISC	00-04-033
			<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>		
			Aging and adult services administration		
			adult family homes		
			licenses	PERM	00-07-045
				PREP	00-07-057
			medication assistance	PREP	00-07-057
			day services	PERM	00-04-056
				PREP	00-08-049
				PERM	00-01-086
			dementia care units		
			home and community programs		
			rules clarification	PREP	00-07-100
			service provider payment rates	PREP	00-07-074
			in-home care providers		
			contract qualifications	PERM	00-03-043
			nursing facilities		
			accounting and reimbursement system	<b>PROP</b>	<b>00-09-080</b>
			direct care payment rates	EMER	00-02-024
			state school for retarded persons	PERM	00-07-045
			resident rights, care, and services	PERM	00-06-028
			therapy care		
			payment rates	EMER	00-02-024
			vulnerable adults, protective services	PERM	00-03-029
			Assistance programs		
			family assistance		
			assistance units	PREP	00-08-050
			residency requirements	PERM	00-08-060
			transfer of property	PREP	00-08-050
			Child care		
			criminal background checks	EMER	00-08-061
			working connections program, eligibility	EMER	00-02-023
<b>REVENUE, DEPARTMENT OF</b>					
Business and occupation tax					
extractors	PROP	00-04-029			
ride sharing credit	EXAD	00-03-001			
Excise tax					
bankruptcy, effect	PROP	00-04-055			
	<b>PERM</b>	<b>00-09-002</b>			
deductibility	PREP	00-08-110			
laundries, dry cleaners, and self-service laundries	PREP	00-01-110			
lien for taxes	PREP	00-05-073			
prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen	PREP	00-08-072			
Extracting natural products					
tax-reporting responsibilities	EMER	00-04-026			
Manufacturers and processors for hire					
tax-reporting responsibilities	EMER	00-04-026			
Open Space Taxation Act	PREP	00-05-074			
Property tax					
forest land removal from classification or designation	<b>PREP</b>	<b>00-09-085</b>			
forest land valuation	PERM	00-02-018			
improvements to single family dwellings	PROP	00-05-032			
	<b>PERM</b>	<b>00-09-004</b>			
nonprofit homes for aging	PREP	00-01-044			
	PROP	00-06-073			
	<b>PERM</b>	<b>00-09-086</b>			
revaluation	PERM	00-01-043			
timber and forest products	PROP	00-05-033			
	<b>PERM</b>	<b>00-09-003</b>			
Public utility tax					
ride-sharing credit	EXAD	00-03-001			
Registration reporting	PERM	00-01-069			
Rules agenda	MISC	00-02-075			
Sales tax					
farm machinery and implements					
sales to nonresidents	EXAD	00-05-015			
	<b>PERM</b>	<b>00-09-092</b>			
ride-sharing credit	EXAD	00-03-001			
trade-in, consignment property	PREP	00-01-111			
Tax liabilities					
interest and penalties	PERM	00-04-028			
Timber excise tax					
harvest operations	PREP	00-04-027			
quality codes	PREP	00-08-108			
stumpage values	PERM	00-02-019			
	PREP	00-06-053			
	PREP	00-08-109			
<b>RULES COORDINATORS</b> (See Issue 00-01 for a complete list of rules coordinators designated as of 12/29/99)					
Citizens commission on salaries for elected officials	MISC	00-03-026			
Lower Columbia College	MISC	00-01-090			
Washington state patrol	MISC	00-02-039			
<b>SAFETY STANDARDS</b> (See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )					

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(Citation in bold type refer to material in this issue)

Child support, division of			scope of care	EXRE 00-01-084
field office requests	MISC	00-01-011	children's health insurance program	MISC 00-02-040
referrals for unborn children	MISC	00-04-018		PROP 00-03-061
release of information	MISC	00-01-010		PROP 00-04-045
rules clarification	PREP	00-06-039		PERM 00-07-103
temporary orders	PROP	00-06-068		PERM 00-08-002
	<b>PERM</b>	<b>00-09-076</b>	claims capture and imaging system	MISC 00-04-077
Children's administration			clear writing principles	PERM 00-01-088
child care facilities			community spouse, family, and shelter needs	
family home day care	PERM	00-06-040	allocation standards	PREP 00-01-106
	<b>EXAD</b>	<b>00-09-089</b>		EMER 00-01-107
foster care	PERM	00-03-012		EMER 00-01-108
Developmental disabilities family support program			confidential records	<b>EXRE 00-09-038</b>
rate increases	PROP	00-05-107	contractor requirements	<b>PROP 00-09-042</b>
	PERM	00-08-090		<b>PROP 00-09-043</b>
Economic services administration				<b>PROP 00-09-075</b>
census income	PREP	00-03-060	CPT and HCFA codes, 2000	MISC 00-08-015
client complaints	<b>PREP</b>	<b>00-09-032</b>		MISC 00-08-016
combined application project	PREP	00-08-088		MISC 00-08-017
eligibility	PERM	00-01-012		MISC 00-08-018
	EMER	00-02-042		MISC 00-08-019
	PROP	00-04-092	discrimination	PREP 00-06-022
	PERM	00-08-091		<b>PROP 00-09-043</b>
emergency assistance	PROP	00-06-067	drug utilization and education council	
errors and omissions corrected	PROP	00-01-081	meetings	<b>MISC 00-09-030</b>
	EMER	00-06-023	drugs/pharmaceutical supplies	PREP 00-07-087
family assistance program				PREP 00-07-088
assistance units	PREP	00-08-050	duplicated rules repealed	PERM 00-05-039
child deprived of parental support	PREP	00-08-050	expedited prior authorization process	MISC 00-04-005
	PREP	00-08-055	family medical project	<b>MISC 00-09-073</b>
	PERM	00-02-043	family planning services	PREP 00-07-056
reporting requirements	PREP	00-01-105	federal poverty level	
residency requirements	PROP	00-05-110	standards	PREP 00-07-054
	PERM	00-08-060		EMER 00-07-089
	PREP	00-08-050	hospice services	
transfer of property			payment	EXRE 00-01-084
general assistance unemployable	PREP	00-08-055	hospital selective contracts	MISC 00-06-058
eligibility	PREP	00-08-056	institutional services	EMER 00-08-003
rules revision and clear writing	PREP	00-08-051	jail inmates, payments	PREP 00-07-056
income			long-term care	
U.S. Census Bureau employees	<b>PROP</b>	<b>00-09-081</b>	eligibility	PERM 00-01-051
overpayments	<b>PREP</b>	<b>00-09-036</b>	income exemptions	PERM 00-01-087
payment of grants	PREP	00-07-101	managed care	PERM 00-04-080
quarterly reporting	<b>PREP</b>	<b>00-09-035</b>	medical care services	PREP 00-03-011
reemploy Washington workers (RWW)	EMER	00-03-013	medically indigent	
special payments	PREP	00-08-054	scope of care	EXRE 00-01-084
SSI supplemental security income			medically needy and indigent	
payment standard	PROP	00-08-058	one-person standard	PREP 00-01-050
	EMER	00-08-059		EMER 00-01-085
	PREP	00-08-053		PROP 00-07-075
standards for payment			scope of care	EXRE 00-01-084
subsidized child care			mental services	
criminal background checks	EMER	00-08-061	scope of care, payment	EXRE 00-01-084
supplemental accommodation services	PREP	00-04-036	noncovered services	PERM 00-03-034
telephone assistance program	<b>PREP</b>	<b>00-09-034</b>		PERM 00-03-035
Food assistance program			nonsteroidal antiinflammatory drugs	<b>MISC 00-09-074</b>
assistance units	PREP	00-08-052	pap smears	MISC 00-04-078
citizenship and alien status	EMER	00-08-004		MISC 00-04-079
	<b>PROP</b>	<b>00-09-082</b>	payments	
denial of benefits	PREP	00-06-060	clear writing standards review	PREP 00-01-155
eligibility	PROP	00-03-062		PREP 00-01-156
	PERM	00-04-006	personal care services	PREP 00-07-056
	PROP	00-07-076	physical therapy	PERM 00-04-019
	PERM	00-07-077		PREP 00-08-020
expedited service	PERM	00-06-015	pregnant women, benefits	<b>PROP 00-09-041</b>
Health and rehabilitative services	PERM	00-02-041	private duty nursing services	<b>PREP 00-09-033</b>
Juvenile rehabilitation administration			providers	
programs and services	PREP	00-03-028	fair hearing	<b>PREP 00-09-037</b>
Management services administration			rates	PROP 00-06-046
language interpretation services and translations	PERM	00-06-014	SSI eligible clients	
Medical assistance administration			standards	PREP 00-01-050
acquired immunodeficiency syndrome insurance	PREP	00-05-038		EMER 00-01-085
program	EXAD	00-07-044	voluntary agency	PROP 00-07-075
administration	PREP	00-07-055	Mental health division	<b>EXRE 00-09-039</b>
	PREP	00-03-010	rules, clear writing standards	
ambulatory surgery centers	<b>MISC</b>	<b>00-09-031</b>	Rules agenda	PREP 00-08-048
	EXRE	00-08-057	Temporary assistance for needy families (TANF)	MISC 00-04-004
audiometric services	<b>EXRE</b>	<b>00-09-040</b>	assistance units	
blood, payment	PREP	00-05-108	eligibility	PREP 00-08-050
case management services	MISC	00-06-013	transfer of property	PERM 00-05-007
catheters	MISC	00-06-059	Vocational rehabilitation services	PREP 00-08-050
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