

Washington State Register

June 21, 2000

OLYMPIA, WASHINGTON

ISSUE 00-12



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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

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

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

John G. Schultz
Chair, Statute Law Committee

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Subscription Clerk

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 ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
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

¹ 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.

² 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.

³ 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.

⁴ 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;

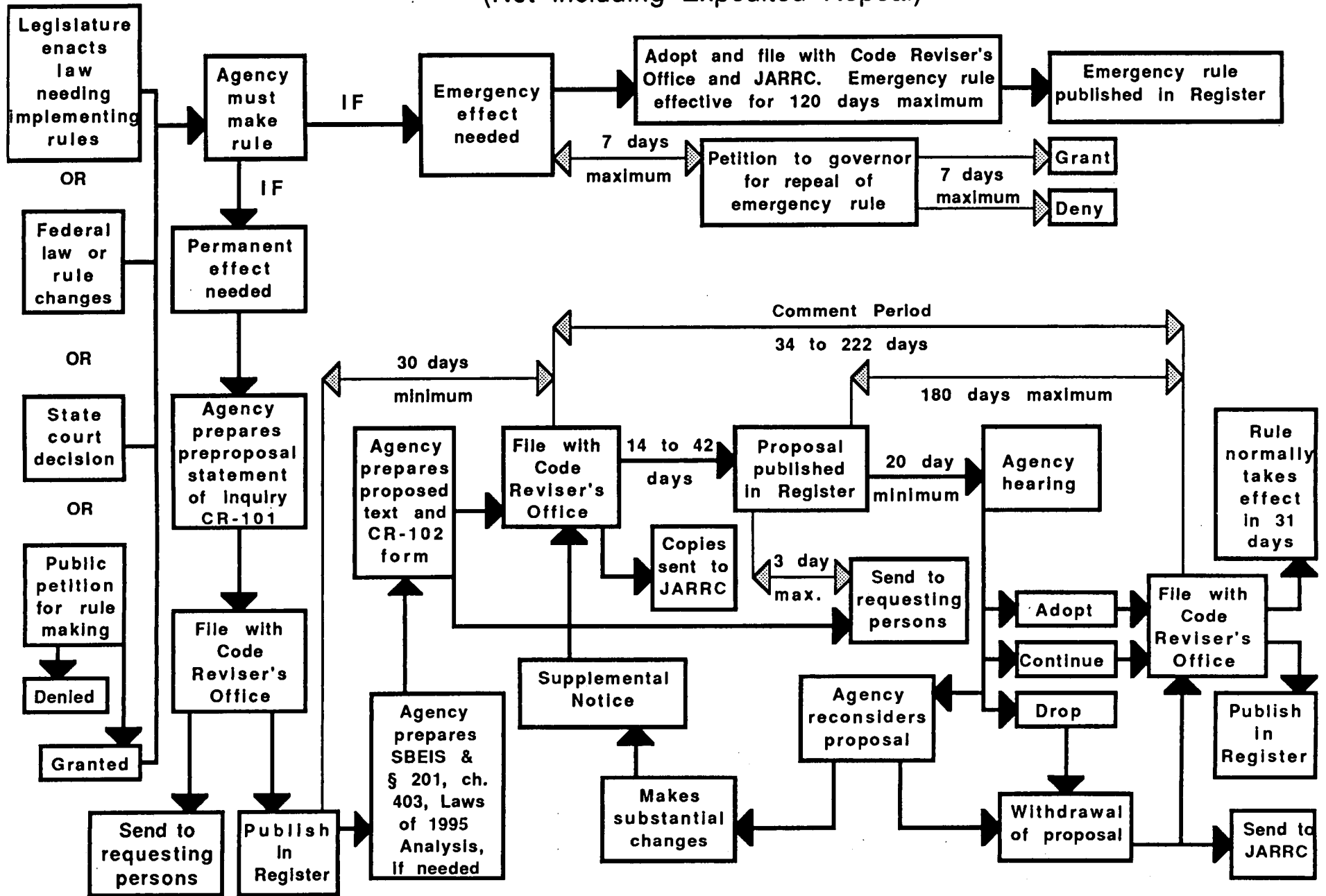
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 00-12-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 24, 2000, 2:12 p.m.]

Subject of Possible Rule Making: Amendment of WAC 308-29-010 Definitions, 308-29-020 Financial statement, 308-29-030 License records, 308-29-050 Suit or judgment notification, 308-29-060 Sale of a licensed collection agency, 308-29-070 Disclosure of rate of interest, and 308-29-080 Notice to credit reporting bureaus; and new sections WAC 308-29-025 What records must a licensee maintain at the licensed location?, 308-29-090 Application of brief adjudicative proceedings, 308-29-100 Preliminary record in brief adjudicative proceedings, 308-29-110 Conduct of brief adjudicative proceedings, and 308-29-120 Appeal process for brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.16.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All amended rules are being revised for clarity and to simplify the language and requirements with no major changes to content or the intent of the rules. All new rules are proposed to clarify RCW and to better enable the director to enforce his duties under this chapter. These changes are based on the rules review completed by the Department of Licensing and public comments received in writing.

Process for Developing New Rule: Review of all rules pursuant to the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Harumi Tucker Tolbert, Department of Licensing, Business and Professions Division, Collection Agency Board, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551. Notification will be sent to all licensees and interested parties.

May 23, 2000

Harumi Tucker Tolbert
WMS Manager**WSR 00-12-005****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 25, 2000, 8:15 a.m.]

Subject of Possible Rule Making: Use of dogs to take cougar.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5001, Laws of 2000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has required the department to draft rules for the use of dogs to take cougars within a game management unit for the purpose of meeting a demonstrated public safety need. These rules will allow the use of dogs on a selective basis for cougar removal.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2373, fax (360) 902-2942. Contact by August 1, 2000, expected proposal filing August 2, 2000.

May 24, 2000

Evan Jacoby
Rules Coordinator**WSR 00-12-006****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 25, 2000, 10:16 a.m.]

Subject of Possible Rule Making: Rules pertaining to the commission merchant program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 20.01.040, 20.01.410, and 20.01.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making accomplishes the intent of Executive Order 97-02, regulatory improvement. The revision will eliminate outdated language and organize rules with common program subjects into a clear and readable format.

Process for Developing New Rule: Coordinate with Commission Merchant Program Advisory Group, appropriate industry associations and other stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Department of Agriculture, Commission Merchant Program, Jerry Buendel, Program Manager, P.O. Box 42560, or 1111 Washington Street, Olympia, WA 98504-2506, fax (360) 902-2086, phone (360) 902-1856, e-mail jbuendel@agr.wa.gov.

May 25, 2000

Julie C. Sandberg
Assistant Director**WSR 00-12-007****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 25, 2000, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 16-622 WAC, Agricultural marketing and fair practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.83 RCW, Agricultural Marketing and Fair Practices Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is considering

the elimination of this WAC. Also, this change is being accomplished to comply with Executive Order 97-2 [97-02], 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: Coordinate with Commission Merchant Advisory Group, appropriate industry associations and other stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Department of Agriculture, Weights and Measures, Jerry Buendel, Program Manager, P.O. Box 42560, or 1111 Washington Street, Olympia, WA 98504-2506, fax (360) 902-2086, e-mail jbuendel@agr.wa.gov.

May 23, 2000
Julie C. Sandberg
Assistant Director

WSR 00-12-008

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 25, 2000, 10:20 a.m.]

Subject of Possible Rule Making: All rules pertaining to the Washington State Department of Agriculture seed program including, but not limited to, labeling, phytosanitary inspections, quarantines, arbitration, certification of crops, and fees for services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, 15.49.310, 15.49.370(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rewrite meets the intent of the Governor's Executive Order 97-02 requiring all state agencies to review rules so that rules are written in a clear and readable format and that they reflect current industry and agency practices and requirements.

Process for Developing New Rule: Working with industry advisory groups, associations, and stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone (509) 225-2630, fax (509) 454-4395, e-mail grobinson@agr.wa.gov.

May 18, 2000
Julie C. Sandberg
Assistant Director

WSR 00-12-016

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

[Filed May 26, 2000, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 180-57 WAC, Standardized high school transcript.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

May 25, 2000
Larry Davis
Executive Director

WSR 00-12-017

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

[Filed May 26, 2000, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 180-50 WAC, Courses of study and equivalencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review chapter for appropriate changes to bring in alignment with education reform.

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

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

May 25, 2000
Larry Davis
Executive Director

WSR 00-12-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)
 [Filed May 30, 2000, 3:49 p.m.]

Subject of Possible Rule Making: These new and amended rules will apply to the reimbursement of local jurisdictions, for expenses incurred because of criminal behavior of adult and juvenile offenders in institutions. As a part of this process we will be amending chapter 275-110 WAC, and any related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.72.040 directs the secretaries of the Departments of Social and Health Services and Corrections to adopt rules for their respective agencies. Further, the changes shall be consistent with chapter 34.05 RCW, the Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change is being undertaken as a part of the governor's regulatory reform initiative and to meet statutory rule-writing requirements which is designed to improve public comprehension of regulations, as well as to assist in their utilization.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. After the rules are 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 Randal Sparks, P.O. Box 45720, Olympia, WA 98504-5720, (360) 902-8099, fax (360) 902-8108, TTY (360) 902-7862, e-mail sparkra@dshs.wa.gov.

May 25, 2000
 Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-12-045
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 [Order 00-02—Filed June 2, 2000, 1:27 p.m.]

Subject of Possible Rule Making: Revise WAC 182-12-119 to include same-sex domestic partners in accordance with the May 23, 2000, vote of the Public Employees Benefits Board (PEBB). Revise WAC 182-12-132 to streamline administration of the retiree program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the change to WAC 182-12-119 voted on by the PEBB board at the May 23, 2000, meeting.

A rule change to WAC 182-12-132 will increase flexibility for retirees enrolled in the PEBB insurance program and allow them to waive PEBB coverage for other employer sponsored insurance coverage, and return to PEBB with proof of continuous coverage.

Process for Developing New Rule: Negotiated rule making; and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michl Needham, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2 [98504-2700], phone (360) 923-2735, fax (360) 923-2602.

June 2, 2000
 Melodie H. Bankers
 Rules Coordinator

WSR 00-12-053
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
 [Filed June 5, 2000, 1:48 p.m.]

Subject of Possible Rule Making: WAC 263-12-016.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment required to update address.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
 David E. Threedy
 Executive Secretary

WSR 00-12-054
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
 [Filed June 5, 2000, 1:49 p.m.]

Subject of Possible Rule Making: WAC 263-12-020.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to clarify who may represent employees in adjudicative proceedings involving industrial insurance and WISHA.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-055
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed June 5, 2000, 1:50 p.m.]

Subject of Possible Rule Making: WAC 263-12-045.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020 [51.52.020].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment clarifies the subpoena power of industrial appeals judges.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-056
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed June 5, 2000, 1:50 p.m.]

Subject of Possible Rule Making: WAC 263-12-050, 263-12-051, 263-12-056, 263-12-057, 263-12-058, and 263-12-059.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: One rule amendment will make the requirements for the contents of a notice of appeal more understandable. Also includes provision for WAC 263-12-051, 263-12-056, 263-12-057, 263-12-058, and 263-12-059. This allows for repeal of those sections. Also contains provisions for new types of appeals due to new type of appeals identified by legislative changes to chapter 41.26 RCW.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-057
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed June 5, 2000, 1:51 p.m.]

Subject of Possible Rule Making: WAC 263-12-060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amended to simplify and clarify language regarding time limitations for filing appeals.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-058
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed June 5, 2000, 1:51 p.m.]

Subject of Possible Rule Making: WAC 263-12-090.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amended to permit change of practice with regard to contents of notice of proceedings to parties. It will no longer be necessary for the notice to specify the industrial appeals judge assigned to convene a particular conference.

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 pub-

lication by contacting David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

lication by contacting David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-059
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
[Filed June 5, 2000, 1:52 p.m.]

Subject of Possible Rule Making: WAC 263-12-093.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule needs to be amended to allow judges greater flexibility in memorializing agreed resolutions of appeals. Allows judges to make a record of an agreed resolution without requiring a court reporter to be present.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-060
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
[Filed June 5, 2000, 1:53 p.m.]

Subject of Possible Rule Making: WAC 263-12-095.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amended for clarification and to reflect judges ability to create record of proceedings consistent with changes to WAC 263-12-093.

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 pub-

WSR 00-12-061
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
[Filed June 5, 2000, 1:53 p.m.]

Subject of Possible Rule Making: New section WAC 263-12-097 Interpreters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule reflects the regulation of use of interpreters in proceedings before the board and the responsibility for payment of those services.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-062
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS
[Filed June 5, 2000, 1:54 p.m.]

Subject of Possible Rule Making: WAC 263-12-100.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to clarify and simplify the language used in the rule.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000
David E. Threedy
Executive Secretary

WSR 00-12-063

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 2000, 1:55 p.m.]

Subject of Possible Rule Making: WAC 263-12-115.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment needed to clarify extent of judge's ability to exclude evidence from a record that is inadmissible under WAC 263-12-095(5). Also, amendment clarifies who may request an interlocutory review from the chief industrial appeals judge.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-064

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 2000, 1:55 p.m.]

Subject of Possible Rule Making: WAC 263-12-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to clarify and simplify language used in the rule.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-065

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 2000, 1:56 p.m.]

Subject of Possible Rule Making: WAC 263-12-130.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repealed as unnecessary.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-066

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 2000, 1:56 p.m.]

Subject of Possible Rule Making: WAC 263-12-135.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to include litigation orders and judges report of proceedings identified by WAC 263-12-093.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-067

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 2000, 1:57 p.m.]

Subject of Possible Rule Making: WAC 263-12-140.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to clarify and simplify language used in the rule.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-068

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF

INDUSTRIAL INSURANCE APPEALS

[Filed June 5, 2000, 1:57 p.m.]

Subject of Possible Rule Making: WAC 263-12-145.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.52.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended to clarify and simplify language used in the rule.

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 David E. Threedy, Executive Secretary, (360) 753-9646, fax (360) 586-5611.

June 2, 2000

David E. Threedy
Executive Secretary

WSR 00-12-070

PREPROPOSAL STATEMENT OF INQUIRY

EXECUTIVE ETHICS BOARD

[Filed June 6, 2000, 10:40 a.m.]

Subject of Possible Rule Making: Administrative dismissal of ethics complaints.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 2(1), chapter 211, Laws of 2000, ethics board complaint review.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment authorizes staff of the ethics board to issue an order of dismissal for complaints that are (a) not within the board's jurisdiction; (b) complaints that are unfounded or frivolous; or (c) a violation that is inadvertent and minor, or has been cured, when further

proceedings do not serve the purposes of chapter 42.52 RCW. Provides for appeal of dismissals to the ethics board.

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

Process for Developing New Rule: The board requests written comments from persons who may be interested in the development of rules implementing staff dismissals of ethics complaints. Comments will be reviewed and considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie O'Dell, HRC 1, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 586-3265, (360) 664-0229. Written comments must be received by August 31, 2000. Comments will be reviewed by the board at its September regular meeting. Thereafter, the board will proceed with rule making.

June 5, 2000

Margaret A. Grimaldi
Executive Secretary

WSR 00-12-077

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed June 6, 2000, 1:13 p.m.]

Subject of Possible Rule Making: Medicaid nursing facility payment system, chapter 388-96 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To edit and clarify for substance and form current chapter 388-96 WAC sections, e.g. state-wide weighted average payment rate-capital (WAC 388-96-723, 388-96-724, 388-96-725, 388-96-726, 388-96-730, and 388-96-731), economic trends and conditions adjustment factors (WAC 388-96-714), etc.

Process for Developing New Rule: The department welcomes public participation in developing and reviewing its Medicaid nursing facility payment regulations. If you would like to be personally notified when draft regulations are ready for review, please contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Patricia Hague by fax (360) 568-5923, e-mail HaguePE@dshs.wa.gov or write to same at Home and Community Rates, P.O. Box 45819, Olympia, WA 98504-5819.

June 6, 2000

Edith M. Rice
for Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-12-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 6, 2000, 1:15 p.m.]

Subject of Possible Rule Making: New WAC sections will be added to chapter 388-470 WAC, Resources, to describe how annuities, life estates, and trusts affect a client's eligibility for public assistance. WAC 388-505-0595 Trusts, will be repealed.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on annuities and life estates are new and are being added to better explain how they affect a client's eligibility for medical, cash, and food stamp assistance. The current rule on trusts is being rewritten to make it clearer and easier to understand per the clear rule-writing requirements of the Governor's Executive Order 97-02.

Process for Developing New Rule: The department invites the interested parties 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 Mary Beth Ingram, Program Manager, Medical Assistance Administration, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, TTY 1-800-848-5429, fax (360) 586-0910, e-mail ingramb@dshs.wa.gov.

June 1, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-12-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 6, 2000, 1:16 p.m.]

Subject of Possible Rule Making: SSI-related medical eligibility rules are being combined in a new WAC chapter for easier reference. The current WAC sections that will be affected include WAC 388-450-0005(3), 388-450-0150, 388-450-0020, 388-450-0210(6), 388-470-0005, 388-470-0020, 388-470-0040, 388-505-0110, 388-506-0620, 388-511-1105, 388-511-1130, and 388-519-0100. The rules will also be rewritten according to the clear-writing standards required by the Governor's Executive Order 97-02.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this amend-

ment is to organize the SSI-related medical eligibility rules in one chapter for easier reference.

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 Rochelle Salsman, Program Manager, Medical Assistance Administration, Mailstop 45534, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1329, TTY 1-800-848-5429, fax (360) 586-0910, e-mail salsm@dshs.wa.gov.

June 1, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-12-085
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2000-03—Filed June 6, 2000, 4:03 p.m.]

Subject of Possible Rule Making: Implementation and enforcement of E2SSB 6067, which modifies rate approval, guaranteed issue, guaranteed renewability, portability, adjudication, and preexisting condition limitation provisions, and establishes new procedures of the Washington State Health Insurance Pool.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.450, 78.20.460, 48.30.010, 48.44.020, 48.44.022, 48.44.023, 48.44.050, 48.44.080, 48.46.030, 48.46.064, 48.46.066, 48.46.200, 48.46.243, 48.92.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Emergency rules were adopted on this subject (R 2000-01) were adopted to amend numerous WAC sections that would have been in conflict with E2SSB 6067. This rule-making is to adopt permanent rules to reconcile the WAC with the new state laws. Additional "clean-up" opportunities to amend, adopt, or repeal these WAC sections in accordance with the commissioner's regulatory improvement program may also be available.

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 sending and comments regarding this rule to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, by July 20, 2000.

June 6, 2000

Robert A. Harkins
 Chief Deputy Commissioner

WSR 00-12-086
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2000-02—Filed June 6, 2000, 4:05 p.m.]

Subject of Possible Rule Making: The commissioner will consider new rules to implement the recently enacted "patient bill of rights" chapter 5, Laws of 2000 (E2SSB 6199). The new law covers seven areas that will be the subject of rules: Health information privacy, information disclosure, access to health care services, insurer review of health care (utilization review), grievance processes, and independent review organizations. Several of the subjects require the commissioner to adopt rules.

◆ **Health Information Privacy**

- > State laws grant patients the right to obtain certain types of health care in complete confidentiality such as treatment for alcoholism or depression. *What rules should the Office of the Insurance Commissioner (OIC) adopt to ensure that when benefits are paid for such treatment, no one other than the patient, the health care professional, and the payer know about treatment?*
- > Congress and federal agencies are considering new laws affecting health care privacy. *What areas of health information privacy should the OIC address irrespective of federal action and how should these rules anticipate federal action?*
- > Consumers and health care professionals complain that payers request more information than is necessary to determine benefits and pay claims. *What limits should the OIC place on payer access to health information?*
- > The patient bill of rights (PBR) extends privacy standards to both health carriers and insurers. *To what extent should rules that apply to health carriers differ from rules that apply to other insurers?*

◆ **Health Information Disclosure**

- > The OIC has adopted several rules in the past two years governing disclosure, a few of which have yet to take effect. *How should the OIC proceed to integrate new disclosure standards with existing disclosure requirements?*
- > The PBR permits insurers to withhold "proprietary" information. *How should the OIC interpret this standard to ensure a uniform approach to information disclosure by all insurers?*
- > The PBR requires disclosure in a manner that ensures that a substantial portion of enrollees can make use of the information. *What standards should the OIC establish for the method and style of information disclosures?*

◆ **Health Care Access Standards**

- > The PBR requires that all health plans give consumers an "adequate choice among health care providers." *What rules should the OIC adopt to assist in determinations as to whether plans have complied with this standard?*

- > Consumers are permitted to obtain chiropractic care without a prior referral subject to managed care and cost containment processes. *What rules should the OIC adopt to provide guidance on acceptable limitations on direct access to chiropractic care?*
- > Consumers are permitted to continue treatment with a provider for sixty days following the provider's termination from a plan. *What rules should the OIC adopt to govern the process of coverage of terminated providers?*

◆ **Health Care Decisions**

- > The PBR requires the OIC to adopt rules governing insurer standards for review of health care coverage which standards must be based upon "reasonable medical evidence." *What rules should the OIC adopt to provide guidance for interpretation of this standard of medical evidence?*
- > The PBR requires the OIC to adopt rules governing the ban on health plan denials of coverage when the insurer has already authorized care. *How should the OIC interpret "prior authorization" and provide guidance for compliance?*

◆ **Grievance Processes**

- > The OIC has already adopted limited rules governing expedited review of the denial of health care. *How should the OIC integrate these rules with new standards under the PBR?*
- > The PBR establishes a process for independent review of consumer complaints. *How should the OIC integrate the grievance process with this new independent review?*
- > The PBR grants the OIC the ability to set standards for grievance processes. *What rules should the OIC adopt to explain or clarify acceptable grievance processes?*

◆ **Independent Review Organizations**

- > The PBR requires the OIC to adopt rules to implement the independent review process. *What standards should the OIC set to ensure implementation of this process by July 2001?*
- > The PBR requires a consumer to exhaust the internal grievance process of an insurer before using the independent review process. *What standards should the OIC set for insurers who wish to allow consumers quicker access to independent review by simplifying the internal grievance process?*
- > The PBR permits consumers to be held responsible for health care costs if the independent reviewers uphold the insurer's position. *What guidelines should the OIC establish to protect consumers from unexpected health care costs?*

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.100, 48.46.200, sections 5, 6, 7, 8, 9, 10 and 11, chapter 5, Laws of 2000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature granted rule-making authority or mandated rules to implement the patient bill of rights. Many of the subjects addressed by the new law cannot be implemented by their effective dates with-

out rules. In each instance, the legislature expressly provided that the commissioner consider national and local standards to create more detailed guidance for insurers. Many of the provisions of the new law are general and leave to the commissioner the authority to establish comprehensive standards. More detailed guidance is particularly necessary for privacy, utilization review, and grievance processes in order to create uniform standards across all health plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other state agencies are expressly subject to any rules adopted under the patient bill of rights. The commissioner will work with these state agencies to develop a coordinated approach to consumer protection. The commissioner will also consider relevant federal agency activity to avoid conflicting standards.

Process for Developing New Rule: Agency study; and the following fact-finding hearings have been scheduled: On July 10, 2000, at 9:00 a.m. - 12:00 p.m., Fidalgo Room in Northwest Rooms at Seattle Center, 305 Harrison Street, Seattle, WA 98109; on July 11, 2000, at 2:00 - 5:00 p.m., Spokane City Hall, Council Chamber, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3301; and on July 13, 2000, at 2:00 - 5:00 p.m., Yakima Four Square Church, 1705 West Chestnut Avenue, Yakima, WA 98902.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, by July 9, 2000.

June 6, 2000

Robert A. Harkins
Chief Deputy Commissioner

WSR 00-12-087

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed June 7, 2000, 8:14 a.m.]

Subject of Possible Rule Making: Future teachers conditional scholarship for classified public school employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 610(5), chapter 1, Laws of 2000 2nd sess.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule will provide definitions for eligible student and repayment forgiveness provisions of the conditional loan.

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

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Associate Director, Higher Education Coordinating Board, 917 Lakeridge Way,

P.O. Box 43430, Olympia, WA 98504-3430, phone (360) 753-7851, fax (360) 704-6251, e-mail johnk@hecb.wa.gov.

June 6, 2000

John Klacik
Associate Director

WSR 00-12-088

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2000-04—Filed June 7, 2000, 9:23 a.m.]

Subject of Possible Rule Making: The commissioner will consider rules to implement parts of the recently enacted health insurance reform act, specifically section 26, chapter 79, Laws of 2000, which establishes a prescription benefit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.200, and section 26, chapter 79, Laws of 2000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 26, chapter 79, Laws of 2000 requires that certain health benefit plans include "prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually." This provision is unclear as to the scope of these benefits and method of disclosure to enrollees. Rules are necessary to clarify these areas.

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 sending any comments regarding this rule to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, by July 20, 2000.

June 7, 2000

Robert A. Harkins
Chief Deputy Commissioner

WSR 00-12-094

PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed June 7, 2000, 10:48 a.m.]

Subject of Possible Rule Making: The state Parks and Recreation Commission intends to review the content and accessibility of the administrative rules in chapter 352-70 WAC, Boating accident and casualty reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.310, chapter 79A.60 RCW, RCW 79A.60.200, and 79A.60.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 352-70 WAC, Boating accident and casualty reports, establishes the state Parks and Recreation Commission's practices for reporting recreational boating accidents through the federal recreational boating safety program. The commission's review of this chapter will provide for an update of the statutory references to Title 79A RCW and will clarify the public's recreational boating accident reporting responsibilities. The commission intends that any amendments made to this chapter will enhance public access and understanding of its content and improve recreational boating safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Parks and Recreation Commission is the state's lead agency responsible for the state recreational boating safety program under the provisions of 46 U.S.C. Chapter 131 and for its administration in accordance with RCW 79A.05.310. Accordingly, the commission will coordinate with the United States Coast Guard in the review and approval of the state marine casualty reporting program under the provisions of 46 U.S.C. Chapter 61, and 33 C.F.R. Parts 173 and 174. The commission will also coordinate the review and adoption of any amendments to this chapter with those law enforcement agencies that participate in the boating accident reporting program under the provisions of RCW 79A.60.220.

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. For information on proposed rule-making activities related to this chapter contact James Horan, Chief, Programs Management, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 753-1594, e-mail James.Horan@parks.wa.gov, phone (360) 902-8580.

June 7, 2000

Jim French

Senior Policy Advisor

WSR 00-12-095
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed June 7, 2000, 10:49 a.m.]

Subject of Possible Rule Making: The state Parks and Recreation Commission intends to review the content and update the following administrative rules: Chapter 352-64 WAC, The state recreational boating safety funding program, chapter 352-65 WAC, Boating safety program approval, and chapter 352-76 WAC, Clean vessel program funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 79A.05 and 79A.60 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These three chapters of administrative rule establish the state Parks and Recreation Commission's eligible requirements for the candidates interested in participating in commission administered recre-

ational boating program funding and specify the commission's practices for reviewing and approving candidates for the distribution of state and federal funds. The commission's review of these chapters will result in an update of the statutory references to Title 79A RCW. Where applicable, the review will result in the clarification of the program benefits and eligibility requirements to enhance the public's access and understanding of these rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Parks and Recreation Commission is [the] sole the agency responsible for the content of chapters 352-64 and 352-65 WAC. The commission will coordinate with the United States Fish and Wildlife Service, the managing federal agency for clean vessel funds, during the review and preparation of any amendments to chapter 352-76 WAC, Clean vessel program funding.

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. For information on proposed rule-making activities related to this chapter contact James Horan, Chief, Programs Management, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 753-1594, e-mail James.Horan@parks.wa.gov, phone (360) 902-8580.

June 7, 2000

Jim French

Senior Policy Advisor

WSR 00-12-096
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed June 7, 2000, 10:53 a.m.]

Subject of Possible Rule Making: The state Parks and Recreation Commission is considering amendments to chapter 352-04 WAC, Policy—Meetings and delegation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter establishes the Parks and Recreation Commission's practices for electing officers, scheduling and conducting business meetings, and delegating authority to the director. The commission proposes amending this chapter to update and further clarify its business practices such as the practices for providing adjudicative proceedings and avoiding conflicts of interest. The commission intends that any amendments made to this chapter will enhance public access and understanding of its content.

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 pub-

lication. For information on proposed rule-making activities related to this chapter contact Renee Pacana, Special Assistant, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8505, fax (360) 664-2106, e-mail Renee.Pacana@parks.wa.gov.

tries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620.

June 7, 2000
Gary Moore
Director

June 7, 2000

Jim French
Senior Policy Advisor

WSR 00-12-099

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 7, 2000, 11:31 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, Safety standards for general safety and health, Part L - Electrical and chapter 296-155 WAC, Safety standards for construction work, Part I - Electrical.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, [49.17].050, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with Executive Order 97-02 rule review requirements, the department will apply clear rule-writing methods to chapter 296-24 WAC, Part L and chapter 296-155 WAC, Part I. The department will also, where appropriate, update both parts to reflect current national consensus codes. As a result of this effort, both parts will be easier to understand and use and will contain current consensus code requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject. However, because of L&I's Specialty Compliance Service Division (SCSD) electrical section expertise on National Electrical Code (NEC) requirements, WISHA will consult with SCSD electrical staff.

Process for Developing New Rule: The OSHA/WISHA state plan agreement requires that the department adopt rules identical to or at-least-as-effective-as OSHA rules. Parties interested in this project may contact Ron Dillon and George King (technical issues) or George Huffman (APA requirements and project timeline) at the telephone or fax numbers listed below. The public may also participate by submitting written comments after amendments are proposed or by giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ron Dillon, Safety Specialist, phone (360) 902-5562, fax (360) 902-5438; or George King, Safety Specialist, phone (360) 902-5582, fax (360) 902-5438; or George Huffman, Project Manager, phone (360) 902-5008, fax (360) 902-5529, at the Department of Labor and Indus-

WSR 00-12-091
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY
[Order 00-14—Filed June 7, 2000, 9:57 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 317-21-130 Event reporting, 317-21-200 Operating procedures—Watch practices, 317-21-205 Operating procedures—Navigation, 317-21-210 Operating procedures—Engineering, 317-21-215 Operating procedures—Prearrival tests and inspections, 317-21-220 Operating procedures—Emergency procedures, 317-21-225 Operating procedures—Events, 317-21-230 Personnel policies—Training, 317-21-235 Personnel policies—Illicit drugs and alcohol use, 317-21-240 Personnel policies—Personnel evaluation, 317-21-245 Personnel policies—Work hours, 317-21-250 Personnel policies—Language, 317-21-255 Personnel policies—Record keeping, 317-21-260 Management, 317-21-265 Technology, and 317-21-540 Advance notice of entry and safety reports.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been declared unconstitutional by a court with jurisdiction; and rule is no longer necessary because of changed circumstances.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: In *U.S. v. Locke, et al.*, ___U.S.___, 120 S.Ct. 1135 (2000), a portion or all of WAC 317-21-130, 317-21-200, 317-21-230, and 317-21-250 were determined to be preempted by federal law. The rules that were specifically stricken by the supreme court attempted to regulate in areas reserved by the constitution and congress for the federal government. The remaining rules cited above were remanded for a determination as to whether those rules also operate in a reserved field or whether they are in conflict with an existing federal regulation. The supreme court acknowledged that states may regulate vessels based on the peculiarities of local waters that call for special precautionary measures and that do not conflict with existing federal rules. This holding in effect declared unconstitutional the authority granted under RCW 88.46.040 to the extent the statute authorizes or requires rules preempted under the United States Constitution and by congress. The remaining rules, as written, either fall within the reserved field or they are not directed specifically to local circumstances and problems.

June 6, 2000
Joe Stohr
Program Manager

EXPEDITED REPEAL



WSR 00-11-107**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed May 18, 2000, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-094.

Title of Rule: Chapter 388-800 WAC, Chemical dependency assistance programs.

Purpose: The purpose of this rule is to describe client eligibility and available services for (1) the medical-based alcohol/drug detoxification program; and (2) the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program.

Statutory Authority for Adoption: RCW 74.08.090, 74.50.080.

Statute Being Implemented: Chapter 74.50 RCW.

Summary: The chapter has been rewritten and reorganized from its previous chapter 388-240 WAC version, using simple language and question/answer format to clearly describe chemical treatment assistance services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Friedman, 1949 South State Street, Tacoma, 98405, (253) 593-2663.

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 rule describes the eligibility criteria and services provided for individuals seeking medical-based alcohol/drug detoxification program, and the Alcoholism and Drug Addition Treatment and Support Act (ADATSA) program.

Proposal Changes the Following Existing Rules: The elimination of the ninety-calendar day limit for ADATSA outpatient treatment within the allowable one hundred eighty days of total treatment in any two-year period.

The deletion of the requirement for eligible individuals to contribute toward the cost of care for ADATSA residential treatment services.

Repeal of chapter 388-240 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DASA did not prepare a small business economic impact statement because no new costs will be imposed on small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed amendments make significant amendments to the DASA program. A copy of the CBA 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 July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: No sooner than July 12, 2000.

May 16, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-800 WAC**CHEMICAL DEPENDENCY
ASSISTANCE PROGRAMS**NEW SECTION

WAC 388-800-0005 What is the purpose of this chapter? This chapter explains chemical dependency treatment services available through public assistance.

NEW SECTION

WAC 388-800-0020 What detoxification services will the department pay for? (1) The department only pays for services that are:

- (a) Provided to eligible persons (see WAC 388-800-0030);
- (b) Directly related to detoxification; and
- (c) Performed by a certified detoxification center or by a general hospital that has a contract with the department to provide detoxification services.

(2) The department limits on paying for detoxification services are:

- (a) Three days for an acute alcoholic condition; or
- (b) Five days for acute drug addiction.

(3) The department only pays for detoxification services when notified within ten working days of the date detoxification began and all eligibility factors are met.

NEW SECTION

WAC 388-800-0025 What information does the department use to decide if I am eligible for the detoxification program? (1) The department uses the information you provide on the department's application form to determine if you are eligible for the detoxification program.

(2) The department may require an interview, documents or other verification if the department has questions about or needs to confirm the information you provided on your application.

NEW SECTION

WAC 388-800-0030 Who is eligible for detoxification services? (1) You are eligible for detoxification services if you:

- (a) Receive benefits from temporary aid for needy families (TANF), general assistance unemployable (GAU), a

medical assistance program, or Supplemental Security Income (SSI); or

(b) Do not have a combined nonexempt income and/or resources that exceed the payment standards for TANF.

(2) To determine your financial eligibility for the detoxification program the department deducts or exempts the following:

- (a) A home;
- (b) Household furnishings and personal clothing essential for daily living;
- (c) Other personal property used to reduce need for assistance or for rehabilitation;
- (d) A used and useful automobile;
- (e) Mandatory expenses of employment;
- (f) Total income and resources of a noninstitutionalized SSI beneficiary;
- (g) Support payments paid under a court order; and
- (h) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs, when failure to make such payments will result in garnishment of wages or loss of employment.

(2) The following resources are not exempt:

- (a) Cash;
- (b) Marketable securities; and
- (c) Any other resource not specifically exempted that can be converted to cash.

(4) If you receive detoxification services you shall not incur a deductible as a factor of eligibility for the covered period of detoxification.

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 388-800-0035 How long am I eligible to receive detoxification services? You are eligible for detoxification services from the date detoxification begins through the end of the month in which you complete the detoxification.

NEW SECTION

WAC 388-800-0040 What is ADATSA? (1) ADATSA stands for the Alcohol and Drug Addiction Treatment and Support Act which is a legislative enactment providing state-financed treatment and support to chemically dependent indigent persons.

(2) ADATSA provides eligible people with:

- (a) Treatment if you are chemically dependent and would benefit from it; or
- (b) A program of shelter services if you are chemically dependent and your chemical dependency has resulted in incapacitating physiological or cognitive impairments.

NEW SECTION

WAC 388-800-0045 What services are offered by ADATSA? If you qualify for the ADATSA program you may be eligible for:

(1) Alcohol/drug treatment services and support described under WAC-388-800-0080.

(2) Shelter services as described under WAC 388-800-0120.

(3) Medical care services as described under WAC 388-86-120 and 388-529-0200.

NEW SECTION

WAC 388-800-0048 Who is eligible for ADATSA? To be eligible for ADATSA services you must:

- (1) Be eighteen years of age or older;
- (2) Be a resident of Washington as defined in WAC 388-468-0005;
- (3) Meet citizenship requirements as described in WAC 388-424-0005.
- (4) Provide your Social Security Number; and
- (5) Meet the same income and resource criteria for the GA-U program; OR be receiving federal assistance under SSI or TANF.

NEW SECTION

WAC 388-800-0050 When am I eligible for ADATSA treatment services? (1) You are eligible for ADATSA treatment services when you meet the:

- (a) Financial eligibility criteria in WAC 388-800-0048; and
 - (b) Incapacity eligibility criteria in WAC 388-800-0055.
- (2) If you are able to access, at no cost, state-approved chemical dependency treatment comparable to ADATSA treatment services, you may choose it rather than ADATSA.

NEW SECTION

WAC 388-800-0055 What clinical incapacity must I meet to be eligible for ADATSA treatment services? You are clinically eligible for ADATSA treatment services when you:

- (1) Are diagnosed as having a mild, moderate, or severe dependency on a psychoactive substance class other than nicotine or caffeine, using the current criteria for Psychoactive Substance Dependence in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association (DSM IV or its successor);
- (2) Are clearly diagnosed as currently dependent on psychoactive substances other than nicotine or caffeine;
- (3) Have not abstained from alcohol and drug use for the last ninety days, excluding days spent while incarcerated;
- (4) Have not been gainfully employed in a job in the competitive labor market at any time during the last thirty days. For the purposes of this chapter, "gainfully employed" means performing in a regular and predictable manner an activity for pay or profit. Gainful employment does not include noncompetitive jobs such as work in a department-approved sheltered workshop or sporadic or part-time work, if the person, due to functional limitation, is unable to compete with unimpaired workers in the same job; and
- (5) Are incapacitated, i.e., unable to work. Incapacity exists if you are one or more of the following:

- (a) Currently pregnant or up to two months postpartum;
- (b) Diagnosed as at least moderately psychoactive substance dependent and referred for treatment by child protective services;
- (c) Diagnosed as severely psychoactive substance dependent and currently an intravenous drug user;
- (d) Diagnosed as severely psychoactive substance dependent and has at least one prior admission to a department-approved alcohol/drug treatment or detoxification program;
- (e) Diagnosed as severely psychoactive substance dependent and have had two or more arrests for offenses directly related to the chemical dependency; or
- (f) Lost two or more jobs during the last six months as a direct result of chemical dependency.

NEW SECTION

WAC 388-800-0057 Will I still be eligible for ADATSA outpatient services if I abstain from using alcohol or drugs, become employed, or have a relapse? When you are successfully participating in ADATSA outpatient treatment services you are still considered incapacitated and eligible for ADATSA treatment through completion of the planned treatment, even if you:

- (1) Become employed;
- (2) Abstain from alcohol or drug use; or
- (3) Relapse (resumption of your psychoactive substance abuse dependence).

NEW SECTION

WAC 388-800-0060 What is the role of the ADATSA/adult assessment center in determining eligibility? (1) A department-designated chemical dependency assessment center determines your incapacity based on alcoholism and/or drug addiction.

(2) The assessment center is the department's sole source of medical evidence required for the diagnosis and evaluation of your chemical dependency and its effects on employability.

(3) The assessment center provides a written current assessment needed to determine your eligibility.

NEW SECTION

WAC 388-800-0065 What are the responsibilities of ADATSA/adult assessment centers? (1) ADATSA/Adult assessment centers:

- (a) Provide your diagnostic evaluation and decide your treatment placement;
- (b) Conduct a face-to-face diagnostic assessment, according to WAC 388-800-0805, to determine if you:
 - (i) Are chemically dependent;
 - (ii) Meet incapacity standards for treatment under WAC 388-800-0055; and
 - (iii) Are willing, able, and eligible to undergo a course of ADATSA chemical dependency treatment, once determined incapacitated.

(c) Determines a course of treatment based on your individual assessment of alcohol/drug involvement and treatment needs in accordance with RCW 70.96A.100.

NEW SECTION

WAC 388-800-0070 What happens after I am found eligible for ADATSA services? Once your financial and clinical eligibility is established, the assessment center:

- (1) Develops your ADATSA treatment plan;
- (2) Arranges all your chemical dependency treatment placements taking into account the treatment priorities described under WAC 388-800-0100;
- (3) Provides you with written notification of your right to return to the community service office (CSO) at any time while receiving ADATSA treatment;
- (4) Provides you with written notification of your right to request a fair hearing to challenge any action affecting eligibility for ADATSA treatment;
- (5) Provides ongoing case monitoring of your treatment services; and
- (6) Notifies the CSO promptly of your placement or eligibility status changes.

NEW SECTION

WAC 388-800-0075 What criteria does the assessment center use to plan my treatment? When evaluating a treatment plan which will benefit you the most, the assessment center considers clinical or medical factors utilizing the American Society of Addiction Medicine (ASAM) Patient Placement Criteria (PPC).

NEW SECTION

WAC 388-800-0080 What are the time limits for receiving types of chemical dependency treatment through ADATSA? (1) You are limited to a maximum of six months (one-hundred eighty total calendar days) of chemical dependency treatment in a twenty-four-month period.

(2) The twenty-four-month period begins on the date of your initial entry into treatment.

(3) You are limited to the following time periods for treatment:

- (a) Intensive inpatient treatment, no longer than thirty days per admission;
- (b) Recovery house treatment, no longer than sixty days per admission;
- (c) Long-term care residential treatment, no longer than one hundred eighty days;
- (d) ADATSA outpatient treatment no longer than one hundred eighty days.

NEW SECTION

WAC 388-800-0085 Do I have to continue to the cost of residential treatment? Once you have been determined financially eligible to receive ADATSA residential treatment services the department does not require you to contribute toward the cost of care.

NEW SECTION

WAC 388-800-0090 What happens when I withdraw or am discharged from treatment? (1) You will be terminated from ADATSA treatment services if you leave treatment.

(2) If you are discharged from treatment for any other reason, you will be referred to the next appropriate level of treatment.

(3) If you are absent from any residential treatment services for less than seventy-two hours you may reenter that program without being considered as having dropped out. This is done at the discretion of the treatment service administrator and without requiring you to apply for re-admittance through the assessment center.

(4) Once you voluntarily leave treatment you must reapply and be referred again to the assessment to receive further ADATSA treatment services.

(5) If you are terminated from treatment you are not eligible for benefits beyond the month in which treatment services end. Rules regarding advance and adequate notice still apply, but you are not eligible for continued assistance pending a fair hearing.

NEW SECTION

WAC 388-800-0100 What are the groups that receive priority for ADATSA services? (1) When assigning treatment admissions, the ADATSA/Adult assessment center:

(a) Gives first priority to you if you are a pregnant woman or a parent with a child under eighteen years old in the home;

(b) Provides priority access for admission if you are:

(i) Referred by the department's children's protective services (CPS) program; and/or

(ii) An injecting drug user (IDU).

(2) If you are completing residential treatment you have priority access to outpatient treatment.

NEW SECTION

WAC 388-800-0110 What cash benefits am I eligible for through ADATSA if I am in residential treatment? When you are in ADATSA residential treatment and are below the department payment standard for clothing and personal incidentals (CPI) you are eligible to receive CPI.

NEW SECTION

WAC 388-800-0115 What cash benefits can I receive through ADATSA if I am in outpatient treatment? When you are in ADATSA outpatient treatment, you may be eligible for a treatment living allowance for housing and other living expenses.

(1) Your living allowance maximum amount will be based on the current ADATSA payment standard as provided under WAC 388-478-0030.

(2) Your outpatient provider will act as your protective payee and administer your living allowance.

NEW SECTION

WAC 388-800-0120 As an eligible ADATSA client, when would I get state-funded medical assistance? You are eligible for state-funded medical assistance when you are in one of the following situations:

(1) You meet the requirements in WAC 388-800-0048 and are waiting to receive ADATSA treatment services;

(2) When you are participating in ADATSA residential or outpatient treatment;

(3) You choose opiate dependency (methadone maintenance) chemical dependency treatment services instead of other ADATSA treatment, but only if these treatment services are from a state-approved, publicly funded opiate dependency/methadone maintenance program; or

(4) You meet the requirements of WAC 388-800-0135, for shelter services but choose not to receive shelter assistance.

NEW SECTION

WAC 388-800-0130 What are ADATSA shelter services? (1) Your shelter assistance in independent housing consists of a monthly shelter assistance payment through an intensive protective payee defined under WAC 388-800-0160; and

(2) You continue to receive benefits for ADATSA shelter if you request a fair hearing within the advance notice period before termination is to occur.

NEW SECTION

WAC 388-800-0135 When am I eligible for ADATSA shelter services? You are eligible for ADATSA shelter services when you meet the:

(1) Financial eligibility criteria in WAC 388-800-0040; and

(2) Incapacity eligibility criteria in WAC 388-800-0140.

NEW SECTION

WAC 388-800-0140 What incapacity criteria must I meet to be eligible for ADATSA shelter services? You are eligible for ADATSA shelter services when you:

(1) Are actively addicted, meaning having used alcohol or drugs within the sixty-day period immediately preceding the latest assessment center evaluation, as determined by the ADATSA/Adult assessment center; and

(2) Have resulting physiological or organic damage, or have resulting cognitive impairment not expected to dissipate within sixty days of sobriety or detoxification, which either:

(a) Limits your functioning because of physiological or organic damage that result in a significant restriction on ability to perform work activities, or

(b) At least a moderate impairment of your ability to understand, remember, and follow complex instructions; and

(c) An overall moderate impairment in your ability to:

(i) Learn new tasks;

(ii) Exercise judgment;

(iii) Make decisions, and

(iv) Perform routine tasks without undue supervision.

NEW SECTION

WAC 388-800-0145 How does the department review my eligibility for ADATSA shelter services? The department:

- (1) Redetermines your incapacity and financial and medical eligibility for ADATSA shelter every six months or more often; and
- (2) Provides you adequate and advance notice of adverse action.

NEW SECTION

WAC 388-800-0150 What is the protective payee? Your protective payee is either:

- (1) Your outpatient treatment provider while in ADATSA treatment; or
- (2) An agency under contract with the department to provide you with intensive protective payee services if you are an ADATSA shelter client.

NEW SECTION

WAC 388-800-0155 What are the responsibility of my protective payee? Your protective payee:

- (1) Has the authority and responsibility to make decisions about the expenditure of your outpatient treatment stipends;
- (2) Encourages you to participate in the decision-making process. The amount of decision-making the protective payee allows you depends upon the level of responsibility you demonstrate; and
- (3) Disburses funds to meet your basic needs of shelter, utilities, food, clothing, and personal incidentals.

NEW SECTION

WAC 388-800-0160 What are the responsibilities of an intensive protective payee? If you are receiving shelter services, your intensive protective payee provides you with case management services including, but not be limited to:

- (1) Disbursing payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc;
- (2) Directing payment to vendors directly for goods or services provided to you including personal and incidental expenses.

NEW SECTION

WAC 388-800-0165 What happens if my relationship with my protective payee ends? If the relationship with your protective payee is terminated for any reason, the protective payee shall return any remaining funds to the department or its designee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-240-0010	Introduction.
WAC 388-240-0020	Definitions.
WAC 388-240-1100	Detoxification services.
WAC 388-240-1200	Detoxification eligibility.
WAC 388-240-2100	ADATSA purposes and programs.
WAC 388-240-2300	ADATSA categorical eligibility.
WAC 388-240-2400	ADATSA treatment—Eligibility requirements.
WAC 388-240-2450	ADATSA treatment—Incapacity requirements.
WAC 388-240-2500	ADATSA shelter—Eligibility requirements.
WAC 388-240-2550	ADATSA shelter—Incapacity requirements.
WAC 388-240-2570	ADATSA shelter—Eligibility determination and review.
WAC 388-240-2600	ADATSA SSI referral requirements.
WAC 388-240-3100	ADATSA assessment center—Role.
WAC 388-240-4100	ADATSA treatment limitations.
WAC 388-240-4200	ADATSA treatment terminations and reinstatements.
WAC 388-240-4400	ADATSA treatment priority groups.
WAC 388-240-4600	ADATSA treatment living allowance.
WAC 388-240-5100	ADATSA shelter services.
WAC 388-240-6100	ADATSA protective payees.

WSR 00-11-129
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed May 22, 2000, 3:21 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 00-08-051.

PROPOSED

Title of Rule: Chapter 388-235 WAC, General assistance unemployable, and related rules.

Purpose: This revision is being done to meet the requirements of Title 388 WAC, chapter 388-235 WAC will be repealed and will be rewritten to meet the standards of Executive Order No. 97-02. It will then be incorporated into chapter 388-448 WAC.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: Chapter 74.04 RCW.

Summary: Chapter 388-235 WAC is migrating to chapter 388-448 WAC and is written in clear language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules clearly explain the general assistance unemployable program eligibility and requirements.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: No sooner than July 12, 2000.

May 17, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-448-0010 How we decide if you are incapacitated. When you apply for general assistance unemployable (GAU) program benefits, you must provide medical evidence to us to show that you are unable to work. If we say that you are "**incapacitated**," it means that you are incapable of gainful employment as a result of a physical or mental impairment that is expected to continue for ninety days or more from the date of application.

(1) If you are gainfully employed at the time of your application for GAU, we deny incapacity. "**Perform gainful**

employment" means you can perform, in a regular and predictable manner, an activity usually done for pay or profit. We do not consider work to be gainful employment when you are:

(a) Working under special conditions, like a sheltered workshop we have approved; or

(b) Working occasionally or part-time if your medical condition limits the hours you can work compared to unimpaired workers in the same job.

(2) We decide if you are able to perform gainful employment when:

(a) We receive an application for benefits. We may waive this decision if medical documentation requirements are waived under WAC 388-448-0001;

(b) You become employed; or

(c) We get new information that indicates you may be employable.

(3) Unless medical documentation requirements are waived under WAC 388-448-0001, we determine if incapacity exists using the progressive evaluation process (PEP). When we receive your medical evidence, we use the PEP to decide if there is a medical impairment that prevents you from being gainfully employed. The PEP is a seven-step process which we follow in order until a decision about incapacity is made.

(4) You are not eligible for GAU benefits if you are incapacitated only because of alcoholism or drug addiction. If you have a physical or mental impairment and you are impaired by alcohol or drug addiction, we decide if you are eligible for general assistance. If you qualify for both GAU and ADATSA shelter, you may choose either program.

(5) In determining incapacity, we consider only your ability to perform basic work-related activities. "Basic work-related activities" are activities that anyone would be required to perform in a work setting. They consist of: sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

NEW SECTION

WAC 388-448-0020 How and from whom you can get medical evidence for incapacity determination. Before we can find out if you are eligible, you must give us medical evidence that meets the requirements in WAC 388-448-0030. Medical evidence provides us with the details of your impairment and how it affects your ability to be gainfully employed. If you cannot get medical evidence without cost to you, we will pay the fees or other expenses based on our published policies and payment limits.

We accept medical evidence from the sources listed below:

(1) For a physical impairment, we only accept reports from the following licensed medical professionals as primary evidence:

(a) A physician;

(b) An advanced registered nurse practitioner (ARNP) in the ARNP's area of certification;

(c) The chief of medical administration of the Veterans' Administration, or their designee, as authorized in federal law; or

(d) A physician assistant when the report is co-signed by the supervising physician.

(2) For a mental impairment, we only accept reports from one of the following licensed professionals as primary evidence:

- (a) A psychiatrist;
- (b) A psychologist;
- (c) An advanced registered nurse practitioner when certified in psychiatric nursing;

(d) A person who provides mental health services in a community mental health services setting and meets the mental health practitioner qualifications set by the local community mental health agency, which consist of having a Master of Arts (MA) degree and two years experience; or

(e) The physician who is currently treating you for a mental disorder.

(3) "Supplemental medical evidence" means a report from a practitioner that can be used to support medical evidence given by any of the practitioners listed in subsections (1) and (2) of this section. We accept as supplemental medical evidence reports from:

- (a) A practitioner who is providing on-going treatment to you, such as a chiropractor, nurse, physician assistant; or
- (b) DSHS institutions and agencies that are providing or have provided services to you.

NEW SECTION

WAC 388-448-0030 The kind of medical evidence you need to provide for determination of incapacity. You must provide medical evidence that clearly explains what physical or mental health problem you have that incapacitates you. "Impairment" means any diagnosable physical or mental condition except alcoholism or drug addiction. The following describes how we decide if the medical evidence that you provide regarding your impairment meets the requirements:

- (1) We only accept written medical evidence. It must contain clear, objective medical documentation that includes:
 - (a) A diagnosis for the incapacitating condition;
 - (b) The effect of the condition on your ability to perform work-related activities; and
 - (c) Relevant medical history and sufficient medical documentation to support conclusions of incapacity.

(2) The medical evidence must be based on an exam within the last ninety days.

(3) When making an incapacity decision, we do not use your report of symptoms as evidence unless medical findings show there is a medical condition that could reasonably be expected to produce the symptoms reported. In those cases, you must provide us with clear and objective medical information, including observation by the medical practitioner and relevant medical history that supports conclusions about:

- (a) The existence and persistence of the symptom(s); and
- (b) Its effect on your ability to perform basic work activities.

(4) We decide incapacity based solely on the objective information we receive. We are not obligated to accept a decision that you are incapacitated or unemployable made by another agency or person.

NEW SECTION

WAC 388-448-0035 How we assign severity ratings to your impairment. (1) "Severity rating" means a rating of the extent of your incapacity, and how severely it impacts your ability to perform the basic work activities. Severity ratings are assigned in Steps II through IV of the PEP. The following chart provides a description of levels of limitations on work activities and the severity ratings that would be assigned to each.

Effect on work activities	Severity rating
(a) There is no affect on your performance of basic work-related activities.	1
(b) There is no significant effect on your performance of basic work-related activities.	2
(c) There are significant limits on your performance of at least one basic work-related activity.	3
(d) There are very significant limits on your performance of at least one basic work-related activity.	4
(e) You are unable to perform at least one basic work-related activity.	5

(2) We use the severity rating given by the medical evidence provider:

- (a) If the rating is supported by and consistent with the medical evidence;
- (b) If the provider's assessment of your limitations is consistent with our definition of the rating; and
- (c) If the rating is consistent with other medical evidence provided to us.

(3) If the medical evidence provider assigns a severity rating that is not consistent with the objective evidence and your symptoms from your impairment as described in the medical evidence, we take the following action:

- (a) If your limitations are more severe than the rating given, we raise your severity rating; or
- (b) If your limitations are less severe than the rating given, we lower your severity rating; and
- (c) We give clear and convincing reasons for adjusting the rating.

NEW SECTION

WAC 388-448-0040 PEP step I—Review of medical evidence required for eligibility determination. When we receive your medical evidence, we review it to see if it is complete and to decide whether your circumstances match GAU program requirements.

PROPOSED

PROPOSED

(1) The following evidence is needed to determine incapacity:

(a) The medical report must contain sufficient information as described under WAC 388-448-0030;

(b) An authorized medical professional wrote the medical report;

(c) The report documents the existence of a potentially incapacitating condition; and

(d) The medical report indicates an impairment is expected to last ninety days or more from the application date.

(2) If the information received does not provide information that is clear enough for us to make a decision about your ability to be gainfully employed, we may require you to get additional information including additional medical testing or an exam by a medical specialist.

(3) We deny incapacity when:

(a) There is only one impairment with a severity rating less than three;

(b) A reported impairment is not expected to last ninety days (twelve weeks) or more from the date of application;

(c) The practitioner is not able to determine that the physical or mental impairment would remain incapacitating after at least sixty days of abstinence from alcohol and drugs; or

(d) We do not have clear and objective medical evidence to approve incapacity.

NEW SECTION

WAC 388-448-0050 PEP step II—How we determine the severity of mental impairments. If you are diagnosed with a mental impairment, we use information from the provider to determine if your impairment prevents you from being gainfully employed. We review the psychological evidence to determine the severity of your mental impairment.

(1) The severity of your mental impairment is based on:

(a) Psychosocial and treatment history;

(b) Clinical findings;

(c) Results of psychological tests; and

(d) Symptoms observed by the examining practitioner that show impairment of your ability to perform basic work-related activities.

(2) If you are diagnosed with mental retardation, the diagnosis must be based on the Wechsler Adult Intelligence Scale (WAIS). The following test results determine the severity rating:

Intelligence Quotient (IQ) Score	Severity Rating
85 or above	1
71 to 84	3
70 or lower	5

(3) If you are diagnosed with a mental impairment with physical causes, we assign a severity rating based on the most severe of the following three areas of impairment:

(a) Memory defect for recent events;

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow, or coarse affect.

(4) We base the severity of the functional psychotic or nonpsychotic disorder, excluding alcoholism or drug addiction, on:

(a) Clinical assessment of these twelve symptoms: depressed mood, suicidal trends, verbal expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity, preoccupation with physical complaints; and

(b) Clinical assessment of the intensity and pervasiveness of your symptoms and their effect on work activities.

(5) We base the severity rating for a functional mental impairment on accumulated severity ratings for the twelve symptoms in subsection (4)(a) of this section as follows:

Symptom Ratings or Condition	Severity Rating
(a) The functional mental impairment is diagnosed with psychotic features; (b) You have had two or more hospitalizations for psychiatric reasons in the past two years; (c) You have had more than six months of continuous psychiatric hospital or residential treatment in the past two years; (d) The overall assessment of symptoms is rated three; or (e) At least three symptoms are rated three or higher.	3
(a) The overall assessment of symptoms is rated four; or (b) At least three symptoms are rated four or five.	4
(a) The overall assessment of symptoms is rated five; or (b) At least three symptoms are rated five.	5

(6) If you have more than one type of mental impairment, we assign a severity rating as follows:

Condition	Severity Rating
(a) Two or more disorders with ratings of three; or (b) One or more disorders rated three; and one rated four.	4
(c) Two or more disorders rated four.	5

(7) We deny incapacity when you do not have a significant physical impairment and your overall mental severity rating is one or two;

(8) We approve incapacity when you have an overall mental severity rating of five, regardless of whether you have a physical impairment.

NEW SECTION

WAC 388-448-0060 PEP step III—How we determine the severity of physical impairments. We must decide if your physical impairment is serious enough to limit your ability to be gainfully employed. "Severity of a physical impairment" means the degree that an impairment restricts you from performing basic work-related activities (see WAC 388-448-0010). Severity ratings range from one to five, with five being the most severe. We will assign severity ratings according to the table in WAC 388-448-0035.

- (1) We assign to each physical impairment a severity rating that is supported by medical evidence.
- (2) If your physical impairment is rated two, and there is no mental impairment or a mental impairment that is rated one, we deny incapacity.
- (3) If your physical impairment is consistent with a severity rating of five, we approve incapacity.

NEW SECTION

WAC 388-448-0070 PEP step IV—How we determine the severity of multiple impairments. If you have more than one impairment we decide the overall severity rating by deciding if your impairments have a combined effect on your ability to be gainfully employed. Each diagnosis is grouped by affected organ or function into one of twelve "body systems." The twelve body systems consist of:

- (a) Musculo-skeletal,
- (b) Special senses,
- (c) Respiratory,
- (d) Cardiovascular,
- (e) Digestive,
- (f) Genito-urinary,
- (g) Hemic and lymphatic,
- (h) Skin,
- (i) Endocrine,
- (j) Neurological,
- (k) Neoplastic, and
- (l) Immune systems.

We follow these rules when there are multiple impairments:

- (1) We group each diagnosis by body system.
- (2) When you have two or more diagnosed impairments that limit work activities, we assign an overall severity rating as follows:

Your Condition	Severity Rating
(a) All impairments are in the same body system, are rated two and there is no cumulative effect on basic work activities.	2

Your Condition	Severity Rating
(b) All impairments are in the same body system, are rated two and there is a cumulative effect on basic work activities. (c) All impairments are in different body systems, are rated two and there is a cumulative effect on basic work activities.	3
(d) Two or more impairments are in different body systems and are rated three. (e) Two or more impairments are in different body systems; one is rated three and one is rated four.	4
(f) Two or more impairments in different body systems are rated four.	5

- (3) We deny incapacity when the overall severity rating is two.
- (4) We approve incapacity when the overall severity rating is five.

NEW SECTION

WAC 388-448-0080 PEP step V—How we determine your ability to function in a work environment if you have mental impairment. If you have a mental impairment we evaluate your cognitive and social functioning in a work setting. Functioning means your ability to perform the tasks that would be required of you on the job and your ability to get along with your co-workers, supervisors and other people you would be in contact with while on the job.

- (1) We evaluate cognitive factors by assessing your ability to:
 - (a) Understand, remember, and follow simple, one- or two-step instructions;
 - (b) Understand, remember, and follow complex instructions, with three or more steps;
 - (c) Learn new tasks;
 - (d) Exercise judgment and make decisions; and
 - (e) Perform routine tasks without undue supervision.
- (2) We approve incapacity when the practitioner's evaluation shows you are:
 - (a) At least moderately impaired in your ability to understand, remember, and follow simple instructions and at least moderately limited in your ability to:
 - (i) Learn new tasks, exercise judgment, and make decisions; and
 - (ii) Perform routine tasks without undue supervision; or
 - (b) Able to understand, remember, and follow simple instructions, but are:
 - (i) At least moderately impaired in the ability to understand, remember, and follow instructions with three or more steps; and
 - (ii) Markedly impaired in the ability to learn new tasks, exercise judgment and make decisions, and perform routine tasks without undue supervision.

PROPOSED

(3) The practitioner's evaluation reports your social factors after assessing your ability to:

- (a) Relate appropriately to coworkers and supervisors;
- (b) Relate appropriately in contacts with the public;
- (c) Tolerate the pressures of a work setting;
- (d) Perform self-care activities, including personal hygiene; and
- (e) Maintain appropriate behavior in a work setting.

(4) We approve incapacity if you are rated at least two in one area of social functioning and at least three in all other areas of social functioning.

NEW SECTION

WAC 388-448-0090 PEP step V—How we determine your ability to function in a work environment if you have a physical impairment. In Step V of the PEP we review the medical evidence you provide and make a determination of how your physical impairment prevents you from working. This determination is then used in Steps VI and VII of the PEP to determine your ability to perform either work you have done in the past or other work.

(1) **"Exertion level"** means the ability to lift, carry, stand and walk with the strength needed to fulfill job duties in the following work categories. For this section, "occasionally" means less than one-third of the time and "frequently" means one-third to two-thirds of the time. We only consider your strength, mobility, and flexibility. We review any work limits you have in the following areas, and then assign an exertion level and determine exertional limitations.

The following table is used to determine your exertion level. Included in this table is a strength factor, which is your ability to perform physical activities, as defined in Appendix C of the Dictionary of Occupational Titles (DOT), Revised Edition, published by the U.S. Department of Labor.

If you	Then we assign this exertion level
(a) Can not lift at least two pounds or stand and/or walk.	Severely limited
(b) Can lift ten pounds maximum and frequently lift and/or carry lightweight articles. Walking and standing are only required for brief periods.	Sedentary
(c) Can lift twenty pounds maximum and frequently lift and/or carry objects weighing up to ten pounds. Walk six out of eight hours per day or stand during a significant portion of the workday, with sitting and pushing/ pulling arm or leg movements most of the day.	Light
(d) Can lift fifty pounds maximum and frequently lift and/or carry up to twenty-five pounds.	Medium

(e) Can lift one hundred pounds maximum and frequently lift and/or carry up to fifty pounds.	Heavy
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(2) **"Exertionally-related limitation"** means a restriction in mobility, agility or flexibility in the following twelve activities: balancing, bending, climbing, crawling, crouching, handling, kneeling, pulling, pushing, reaching, sitting, and stooping. If you have exertionally-related limitations, we consider them in determining your ability to work.

(3) **"Functional physical capacity"** means the degree of strength, agility, flexibility, and mobility you can apply to work-related activities. We consider the effect of the physical impairment on the ability to perform work-related activities when the physical impairment is assigned an overall severity rating of three or four. We determine functional physical capacity based on your exertional, exertionally related and non-exertional limitations. All limitations must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(4) **"Nonexertional physical limitation"** means a restriction on work activities that does not affect strength, mobility, agility, or flexibility. Examples are:

(a) Environmental restrictions which could include, among other things, your inability to work in an area where you would be exposed to chemicals; and

(b) Workplace restrictions, such as impaired hearing or speech, which would limit the types of work environments you could work in.

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 388-448-0100 PEP step VI—How we evaluate capacity to perform relevant past work. If your overall severity rating is three or four and we have reached this stage of the PEP and have not approved or denied your application, we decide if you can do the same or similar work as you have done in the past. We look at your current physical and/or mental limitations and vocational factors to make this decision. Vocational factors are education, relevant work history, and age.

(1) We evaluate education in terms of formal schooling or other training that enables you to meet job requirements. We classify education as:

If you	Then your education level is
(a) Can not read or write a simple communication, such as two sentences or a list of items.	Illiterate
(b) Have no formal schooling beyond the eleventh grade; or (c) Have participated in special education.	Limited education

PROPOSED

If you	Then your education level is
(d) Have received a high school diploma or general equivalency degree (GED); or (e) Have received skills training and were awarded a certificate, degree or license.	High school and above level of education

(2) We evaluate your work experience to determine if you have relevant past work. "Relevant past work" means work that:

(a) Is normally done for pay or profit. We exclude work done in a sheltered workshop, a job where you were given special consideration, or activities you may have performed as a student or homemaker;

(b) Has been performed in the past five years; and

(c) You have done long enough for you to have acquired the knowledge and skills to continue performing the job. You must meet the specific vocational preparation level as defined in Appendix C of the Dictionary of Occupational Titles.

(3) For each relevant past work situation you have had, we determine:

(a) The exertional or skill requirements of the job; and

(b) Current cognitive, social, or nonexertional factors that significantly limit your ability to perform past work.

(4) After considering vocational factors, we approve or deny incapacity based on the following:

If you	Then we take this action on incapacity
(a) Have the physical or mental ability to perform past work and there is no significant cognitive, social or nonexertional limitation.	Deny
(b) Have recently acquired specific work skills through completion of vocational training, enabling you to work within your current physical or mental capacities.	Deny
(c) Are fifty-five years of age or older and have an impairment that is assigned an overall severity rating or at least three and do not have the physical or mental ability to perform past work or do not have work experience.	Approve

PROPOSED

NEW SECTION

WAC 388-448-0110 PEP step VII—How we evaluate your capacity to perform other work. If we decide you cannot do work that you've done before, we then decide if you can do any other work. In making this decision, we again consider vocational factors of age, education and limited English proficiency (LEP).

(1) We approve incapacity if you have a physical impairment only and meet the vocational factors below:

Highest work level assigned by the practitioner	Your age	Your education level	Other vocational factors
Sedentary	Any age	Any level	Does not apply
Light	Fifty-five and older	Any level	Does not apply
Light	Thirty-five and older	Illiterate or LEP	Does not apply
Light	Eighteen and older	Limited education	Does not have any past work
Medium	Fifty and older	Limited education	Does not have any past work
Medium	Fifty-five and older	Any level	Does not apply
Heavy	Fifty-five and older	Any level	Environmental restrictions apply

(2) We approve incapacity when you have a mental impairment only and meet the age and social functioning limitations below:

Social limitation	Age
(a) Can not appropriately relate to coworkers and supervisors (rated three); and (b) Can not tolerate the pressures of a work setting (rated four).	Fifty years and older
(c) Can not tolerate the pressures for a work setting (rated five).	Eighteen to fifty-four
(d) A mental disorder severity rated four; and (e) One or more symptoms from WAC 388-448-0050(4) (rated five); and (f) Can not appropriately relate to coworkers and supervisors (rated three); and (g) Can not tolerate the pressures of a work setting (rated four).	Eighteen to forty-nine

(3) We approve incapacity when you have both mental and physical impairments and vocational factors interfere with working as follows:

Your age	Your education	Your other restrictions
Any age	Any level	(a) Can not appropriately relate to coworkers and supervisors (rated three); and (b) Can not tolerate pressures of a work setting (rated four).
Fifty or older	Limited education	(c) Restricted to medium work level or less.
Eighteen to forty-nine	Limited education	(d) Restricted to light work level.

(4) If we do not find that you are incapacitated by the end of Step VII of the PEP, an administrative review team (ART) makes the incapacity decision. The review team consists of two or more persons within the community service office (CSO) who are not in the position of providing direct eligibility or incapacity services to you. The ART reviews the medical evidence and your vocational factors.

NEW SECTION

WAC 388-448-0120 How we decide how long you are incapacitated. We decide the maximum length of time you are eligible for GAU based on incapacity according to the medical evidence and expected length of recovery from the incapacitating condition as follows:

- (1) Thirty-six months when we decide it is evident you meet federal disability criteria to receive Social Security Supplemental Security Income (SSI); or
- (2) Twelve months.

NEW SECTION

WAC 388-448-0130 Treatment and referral requirements. We refer you to medical providers or other agencies for treatment or rehabilitation to improve your ability to engage in gainful employment or reduce your need for GAU. "Available medical treatment" means medical, surgical, chemical dependency, or mental health services, or a combination of them.

(1) We give you written information regarding your treatment requirements when you are initially approved, and at each redetermination.

(2) You must accept and follow through on required medical treatment unless you have a convincing reason for not doing so. Examples of good cause are found in WAC 388-448-0140.

(3) If your basic claim of incapacity is alcoholism or drug dependency, we refer you for evaluation under the alcoholism and drug addiction treatment and support act (ADATSA).

(4) We may require you to undergo alcohol or drug treatment before re-evaluating eligibility for GAU.

(5) You may request a fair hearing if you disagree with the treatment or referral requirements we set for you. If you request a fair hearing we will not reduce or stop your benefits as a result of your refusal to follow the requirement until the fair hearing is decided.

NEW SECTION

WAC 388-448-0140 Good cause for refusing medical treatment or other agency referrals. We may determine that you have good cause for refusing required treatment or referrals to other agencies. We may require you to provide documentation to support your good cause claim. Valid reasons for refusing treatment and other agency referrals include, but are not limited to, the following:

(1) Treatment referrals:

(a) You are so fearful of the treatment that your fear could interfere with the treatment or reduce its benefits;

(b) Treatment could cause further limitations or loss of a function or an organ and you are not willing to take that risk;

(c) You practice an organized religion that prohibits treatment; or

(d) Treatment is not available without cost to you.

(2) Treatment or other agency referrals:

(a) You did not have enough information on the requirement or did not receive written notice of the requirement;

(b) The requirement was made in error;

(c) You are temporarily unable to participate because of documented interference, or

(d) Your medical condition or limitations are consistent with the definition of necessary supplemental accommodation (NSA), WAC 388-200-1300, and your condition or limitations contributed to your refusal.

NEW SECTION

WAC 388-448-0150 Penalty for refusing medical treatment or other agency referrals. (1) If you refuse required treatment or agency referral without having good cause, we will stop your GAU benefits.

(2) We stop your GAU benefits until you agree to accept and pursue the required treatment service or referral.

(3) If you reapply, you must wait for a penalty period to pass before you begin getting benefits. The penalty is based on how often you have refused:

Refusal	Penalty
First	One week
Second within six months	One month
Third and subsequent within one year	Two months

PROPOSED

NEW SECTION

WAC 388-448-0160 Review of your incapacity. (1) In order to review your incapacity, we must have sufficient written medical information based on an examination within the last sixty days. We may also require information about your progress with required treatment or agency referrals according to WAC 388-448-0130.

(2) We cannot extend GAU eligibility beyond the current eligibility end date if we do not receive current medical evidence that we decide is enough to show that you continue to be incapacitated.

NEW SECTION

WAC 388-448-0170 Termination requirement—How we determine you are no longer incapacitated. (1) Before we can decide you are no longer incapacitated, we must demonstrate that at least one of the following conditions exists:

(a) The incapacitating condition has clearly improved since incapacity was established. "**Clear improvement**" means that since incapacity was established:

(i) The physical or mental impairment that incapacity was based on has decreased in severity to the point where you are capable of gainful employment;

(ii) The effect of that impairment on work-related activities has been significantly decreased through treatment or rehabilitation, and you are now capable of gainful employment; or

(iii) We decide you are gainfully employed.

(b) There was a previous error in the eligibility decision. "**Previous error**" means incapacity was previously established based on:

(i) Faulty or insufficient information; or

(ii) We made a procedural error in one of our previous determinations, based on a rule in effect at the time.

(2) If we decide you are clearly improved but are receiving services through the division of vocational rehabilitation (DVR), we have the option of approving continued GAU through an exception to rule (ETR).

(3) We do not apply the clear improvement or previous error criteria when:

(a) You have a break in assistance of over thirty days and do not meet the criteria for retroactive reinstatement as required under WAC 388-448-0190; or

(b) You do not meet the categorical eligibility requirements for the general assistance unemployable program.

NEW SECTION

WAC 388-448-0180 How we redetermine your eligibility if it is evident you meet federal disability criteria for SSI. We may extend your incapacity period up to thirty-six months from the last date of incapacity determination without additional medical documentation when it is evident that you meet federal disability criteria for Supplemental Security Income (SSI) eligibility.

(1) We determine your eligibility at the end of the thirty-six-month period, using current medical evidence.

(2) If you applied for SSI, were denied, and the denial was upheld by an administrative appeal before the end of the thirty-six-month incapacity period, we adjust the incapacity period to be the later of the following dates:

(a) The end of the previously established incapacity period that was based on current medical evidence; or

(b) Sixty days after the SSI denial date.

NEW SECTION

WAC 388-448-0190 Reinstating your eligibility after termination due to lack of medical evidence. If your assistance was terminated due to lack or insufficiency of medical evidence, we reinstate your eligibility the day following the termination date if the following conditions are met:

(1) The termination was not due to your failure to cooperate in gathering the evidence;

(2) You provided the medical evidence within thirty days after the termination, establishing that you have been incapacitated since the date of termination; and

(3) The medical evidence substantiates incapacity.

NEW SECTION

WAC 388-448-0200 Eligibility for general assistance unemployable pending SSI eligibility. If you are applying for SSI and we determine you may become eligible for SSI, we approve you for GAU benefits. The assistance is authorized through the month SSI payments begin if you:

(1) Apply for SSI and follow through with your application; and

(2) Assign the initial or reinstated SSI payment to DSHS as provided under WAC 388-448-0210; and

(3) Are otherwise eligible.

NEW SECTION

WAC 388-448-0210 Assignment and recovery of interim assistance. You can get assistance to meet your basic needs from only one government source at a time. When you are approved for SSI, you may receive a payment going back to the date you applied for SSI. This means you are being paid a back payment for your basic needs. When you have received GAU during that time period, the amount paid to you in the form of GAU must be reimbursed to the state.

(1) "**Assign**" means that the Social Security Administration (SSA) will pay DSHS directly from your reimbursement amount. The assignment will be up to the amount of interim assistance we provide to you.

(2) "**Interim assistance**" means the state funds we provide to you to meet basic needs during:

(a) The time between your SSI application date and the month recurring SSI payments begin; or

(b) The period your SSI payments were suspended or terminated, and later reinstated for that period.

(3) We pay up to twenty-five percent of the interim assistance reimbursement that we receive from the SSA to the

attorney who has successfully represented you in your effort to receive SSI.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-235-1500 Persons in institutions.
- WAC 388-235-5000 Incapacity determination—Process.
- WAC 388-235-5050 Waiver of medical documentation and progressive evaluation process (PEP).
- WAC 388-235-5060 Determination of capacity to engage in gainful employment.
- WAC 388-235-5070 Sources of medical evidence.
- WAC 388-235-5080 Medical evidence requirements.
- WAC 388-235-5090 Assigning severity ratings.
- WAC 388-235-5100 PEP step I—Review of medical documentation.
- WAC 388-235-5200 PEP step II—Severity of mental impairments.
- WAC 388-235-5300 PEP step III—Severity of physical impairments.
- WAC 388-235-5400 Progressive evaluation process—Step IV—Multiple impairments.
- WAC 388-235-5500 Progressive evaluation process—Step V—Functional mental capacity.
- WAC 388-235-5600 Progressive evaluation process—Step V—Functional physical capacity.
- WAC 388-235-5700 Evaluating vocational factors for progressive evaluation process—Steps VI and VII.
- WAC 388-235-5800 Progressive evaluation process—Step VI—Evaluate capacity to perform past work.
- WAC 388-235-5900 Progressive evaluation process—Step VII—Evaluating capacity to perform other work.
- WAC 388-235-6000 Duration of assistance based on incapacity.
- WAC 388-235-7000 Purpose of referrals.

- WAC 388-235-7100 Treatment and referral requirements.
- WAC 388-235-7200 Other agency referral requirements.
- WAC 388-235-7300 ADATSA referral requirements.
- WAC 388-235-7400 Protective payments.
- WAC 388-235-7500 Good cause for refusing medical treatment or other agency referrals.
- WAC 388-235-7600 Sanction for refusing medical treatment or other agency referrals.
- WAC 388-235-8000 Redetermination of financial eligibility.
- WAC 388-235-8100 Redetermination of incapacity.
- WAC 388-235-8130 Determining a recipient is no longer incapacitated—Termination proviso.
- WAC 388-235-8140 Redetermination of eligibility based on mental retardation.
- WAC 388-235-8150 Redetermination for a recipient appearing to meet federal disability criteria for SSI.
- WAC 388-235-8200 Reinstating eligibility after termination due to lack of medical evidence.
- WAC 388-235-9000 How benefits from other programs affect your eligibility for general assistance-unemployable.
- WAC 388-235-9100 GAU pending SSI eligibility.
- WAC 388-235-9200 Assignment and recovery of interim assistance.
- WAC 388-235-9300 GAU to an SSI recipient whose SSI check is lost, stolen, or missent.

**WSR 00-12-003
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed May 24, 2000, 3:36 p.m.]

Original Notice.
Exempt from preproposal statement of inquiry under RCW 34.05.310(4).
Title of Rule: Title 136 WAC.

PROPOSED

Purpose: Add new section WAC 136-10-035 regarding charter counties.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Pendleton, Olympia, 753-5989; and Enforcement: Jay Weber, Olympia, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new section relates to the relationship of the county engineer and the county legislative authority.

Proposal Changes the Following Existing Rules: Adds a section to Title 146 [136] WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on July 20, 2000, at 2:00 ON [p.m.].

Assistance for Persons with Disabilities: Contact Karen Pendleton by July 13, 2000, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, fax (360) 586-0593, by July 13, 2000.

Date of Intended Adoption: July 20, 2000.

May 23, 2000

Jay Weber

Executive Director

NEW SECTION

WAC 136-10-035 Charter counties. In counties that have adopted a home rule charter, as provided for in Article 11 §4 of the state Constitution, the duties and responsibilities of the county engineer set forth in chapter 36.80 RCW may be modified by the county legislative authority as allowed by existing constitutional law, statutory law, and the county's charter.

WSR 00-12-004

PROPOSED RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Filed May 24, 2000, 3:38 p.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amend WAC 136-150-022.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Pendleton, Olympia, 753-5989; and Enforcement: Jay Weber, Olympia, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment will revise the expenditures for traffic law enforcement.

Proposal Changes the Following Existing Rules: Amend Title 136 WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on July 20, 2000, at 2:00 ON [p.m.].

Assistance for Persons with Disabilities: Contact Karen Pendleton by July 13, 2000, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, fax (360) 586-0386, by July 13, 2000.

Date of Intended Adoption: July 20, 2000.

May 23, 2000

Jay Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties in which road fund dollars or diverted road levy has been budgeted for traffic law enforcement, ~~((and for which a RAP project is awaiting approval by the county road administration board,))~~ the county sheriff ~~((will be required to))~~ shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of less than eight thousand shall be exempt from this requirement.

WSR 00-12-010

PROPOSED RULES

COLUMBIA BASIN COLLEGE

[Filed May 25, 2000, 12:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-120.

Title of Rule: Student rights and responsibilities.

Purpose: To address the student as a member of the campus community and define expectations of conduct, processing of all actions of misconduct with appeal mechanisms, and disciplinary action.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: To guarantee student rights; to define expectations of conduct; to clarify disciplinary procedures and appeals of disciplinary action; to identify sanctions; to provide avenue for complaints; to address loss of eligibility for participation in athletics.

Reasons Supporting Proposal: Chapter 132S-40 WAC, Student policies, was last updated in March 1990. The pro-

posed students rights and responsibilities will replace the ten-year old rules and bring up-to-date with current board and administrative policies and procedures.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Maddy Dodson, A-Building, (509) 547-0511, 2765.

Name of Proponent: Columbia Basin College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To address the student as a member of the campus community and define expectations of conduct, processing of all actions of misconduct with appeal mechanisms, and disciplinary action. Anticipated effects: To ensure that students have a clear understanding of expectations and a grievance process for those who believe that they have not been accorded a reasonable interpretation of rights established pursuant to board policy.

Proposal Changes the Following Existing Rules: Proposed rule replaces a number of existing rules on student policies: WAC 132S-40-010 Liquor, 132S-40-015 Drugs, 132S-40-020 Larceny, 132S-40-025 Assault, 132S-40-030 Forgery, 132S-40-035 Misdemeanor and/or felony, 132S-40-040 Cheating, 132S-40-045 Damaging property, 132S-40-046 Trespass, 132S-40-055 Disciplinary action, 132S-40-060 Hearing panel, 132S-40-065 Hearing and procedures, 132S-40-070 Hearing and decision, 132S-40-075 Imposition of discipline, 132S-40-080 Student appeal, 132S-40-140 Grounds for ineligibility, 132S-40-145 Suspension procedure—Right to informal hearing, 132S-40-150 Hearing, and 132S-40-155 Decision.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic impact on small businesses. Under chapter 19.85 RCW, none required.

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

Hearing Location: Richland Library, 955 Northgate, Richland, WA 99352, on July 18, 2000, at 5-6:30 p.m.

Assistance for Persons with Disabilities: Contact Peggy Buchmiller by July 14, 2000, TDD (509) 546-0400.

Submit Written Comments to: Louise Meyers, Rules Coordinator, Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301, fax (509) 546-0404, by July 12, 2000.

Date of Intended Adoption: September 1, 2000.

May 24, 2000

Lee R. Thornton

President

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-40-005 Code of conduct, student—Definition. As used in chapter 132S-40 WAC, the following words and phrases are defined:

(1) "Board" shall mean the board of trustees of Community College District No. 19, state of Washington.

(2) "College" shall mean Columbia Basin Community College or any additional community college hereafter estab-

lished within Community College District No. 19, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug and shall include any dangerous drug.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "Assembly" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

(7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the college president pursuant to WAC 132S-40-075 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

(8) "Student" shall mean and include any person who is ((regularly)) enrolled at the college.

(9) "President" shall mean the president appointed by the board of trustees or in such president's absence, the acting-president.

(10) "Rules of student conduct" shall mean the rules contained within chapter 132S-40 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

(11) "Hearing panel" shall mean the hearing panel as denominated in WAC 132S-40-060.

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132S-40-160 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are free to pursue educational objectives from among the college's curricula, programs, and services subject to the provisions of this chapter.

(b) Students have the right to a learning environment that is free from unlawful and/or discriminatory actions.

(2) Due process.

(a) No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature of the charges.

(b) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in the provisions of this chapter.

(3) Distribution and posting.

Students may distribute or post printed material subject to official procedures available in the student programs office.

(4) Freedom of association and organization.

Students are free to organize and join associations to promote any legal purpose. Student organizations must be granted a charter by the Associated Students of Columbia Basin College (ASCBC) before they may be officially recognized.

(5) Use of college facilities.

Any recognized ASCBC organization may request use of available college facilities for authorized activities. Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

(6) Confidentiality of records.

Students have the right to maintain confidentiality of records and access to records as outlined in college rules.

NEW SECTION

WAC 132S-40-165 Student responsibilities/violations. The following rules apply to students engaged in or present at any on-campus or off-campus college-related activity. A student's off-campus conduct may be considered in determining discipline. Any student shall be subject to disciplinary action who, either as a principal or participator or by aiding or abetting, commits any of the following which are hereby prohibited:

(1) Abusive conduct: Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(2) Destroying or damaging property: Intentional or reckless damage to or misuse of college property, or the property of any person where such property is located on the college campus.

(3) Dishonesty: All forms of dishonesty including, but not limited to: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) Disorderly conduct: Material and substantial interference with the personal rights or privileges of others or the educational process of the college.

(5) Drugs: Using, possessing, furnishing or selling any illegal narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical practitioner.

(6) Incitement of others: Intentionally and/or recklessly inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) Insubordination: Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

(8) Liquor: Possessing, consuming, or furnishing of alcoholic beverages on a college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(9) Theft: The unauthorized taking or removing of another's property with the intent of depriving the owner of the property.

(10) Trespass/unauthorized presence: Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property without authority.

(11) Weapons: Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(12) Hazing: Initiation into a student organization that causes or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any person as described in RCW 28B.10.900.

(13) Identification: Failure to provide evidence of student enrollment upon request of college officials.

(14) Criminal law violation/illegal behavior/other violations: Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules and policy where those acts occur on-campus or affect the property, rights or person of another individual. The college may refer any such violation to civilian or criminal authorities for disposition.

NEW SECTION

WAC 132S-40-170 Disciplinary proceedings. (1) Initiation of disciplinary action: Anyone may report, in writing, violations to the dean for student services, or designee, who may initiate disciplinary action.

(2) Notice requirements: Any student charged with a violation shall be given written notice personally or sent written notice by registered or certified mail to the most recent address in the student's record on file with the college no later than fifteen calendar days after a reported violation. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of college policy and the date of the violation;

(b) Set forth those provisions of the code of student rights and responsibilities allegedly violated and the specific acts which are alleged to be violations;

(c) Specify the time, date, and location where the student is required to meet with the dean. The meeting shall be scheduled not earlier than three days and within thirty calendar days of the mailing of the notification to the student, subject to modification by the dean or designee either at the student's or college's request for reasonable cause;

(d) If the student elects to be represented by an attorney, he/she must tender notice to the dean not less than three days prior to the meeting with the dean;

(e) Inform the student that, in the event a hearing before the student judicial board is requested, he/she may have anyone appear in his/her behalf to defend him/her and he/she may have a maximum of three character witnesses appear in his/her behalf;

(f) Inform the student that failure to appear at the appointed time and place may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean for student services:

(a) At the meeting with the dean, the student shall be informed of the following:

(i) Which provisions of the code of student rights and responsibilities are involved;

(ii) That the student may appeal any sanction imposed by the dean; and

(iii) That if a hearing with the student judicial board is requested, the student has the right to have that hearing open to the public.

(b) After considering the evidence in the case and interviewing the student or students involved and/or other individuals as appropriate, the dean may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for later in this code; or

(iii) Refer the matter to the student judicial board for appropriate action.

(c) Notification of action by the dean shall be delivered to the student personally or sent by registered or certified mail to the most recent address in the student's record on file with the college within thirty calendar days of the meeting and a copy filed with the office of the dean.

(d) Disciplinary action taken by the dean is final unless the student exercises the right of appeal as provided for in these rules.

(4) Student judicial board:

(a) Composition: The college shall have a standing student judicial board composed of six members who shall be chosen and appointed by October 1 of each year to serve as a standing committee until their successors are appointed. The membership of the board shall consist of two members of the administration (except the dean for student services) appointed by the president; two faculty members appointed by the faculty senate; and two students appointed by the president of the ASCBC.

(b) Chairperson: The student judicial board shall elect a chairperson from among the administration or faculty members. The chairperson shall preside at every disciplinary hearing and shall provide administrative oversight throughout the hearing process. The chairperson may participate in committee deliberations but shall not vote unless it is necessary to constitute a quorum or the vote of the judicial board is tied, at which time the chairperson shall cast the deciding vote.

(c) Hearing procedures:

(i) The student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the dean.

(ii) The student shall be sent written notification of the following:

(A) The time, date, and location of the hearing;

(B) The specific violation alleged against him/her;

(C) The names of the persons on the student judicial board; and

(D) Shall state that the student be accorded reasonable access to the case file which will be retained by the dean. Such notice shall be made to the student personally or mailed by registered or certified mail to the most recent address in the student's record on file with the college at least seven calendar days prior to the hearing.

(iii) A board member who has a personal relationship, personal interest, or other interest which would prevent that person from rendering a fair and impartial decision must recuse him/herself from sitting for that case.

(iv) A student may request in writing and for good cause within a reasonable time prior to the hearing that a board member recuse or disqualify him/herself. In the event of such a request, the board shall consider the request prior to the time scheduled for the hearing and the board shall decide whether the board member should be disqualified for that hearing.

(v) The parties involved in the hearing will be requested to submit their witness list and any documentary evidence to be discussed at the hearing to the hearing chairperson within a reasonable time but not less than three days prior to the hearing.

(vi) Hearings will be closed to the public except if requested by the student and at the discretion of the chairperson. At all times, however, all parties, the witnesses, and the public shall be excluded during the deliberations of the student judicial board.

(vii) A quorum shall consist of no less than three members provided that such quorum shall include at least one student, one faculty member, and one administrator.

(viii) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(ix) The student may question witnesses, bring an advocate to defend him/herself, and have a maximum of three character witnesses appear on his/her behalf. If the student elects to be represented by an attorney, he/she must tender notice to the dean not less than three days prior to the hearing.

(x) The burden of proof shall be on the dean or designee who must establish the alleged violation(s) by a preponderance of the evidence.

(xi) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(xii) The dean may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(xiii) In order that a complete record of the proceeding can be made to include all evidence presented, hearings shall be recorded or transcribed except for the deliberations of the student judicial board.

(xiv) After considering the evidence in the case, the student judicial board shall decide by majority vote whether to:

(A) Terminate the proceedings exonerating the student(s); or

(B) Impose disciplinary sanctions as set forth in this document.

(xv) The decision of the student judicial board must include a written summary in sufficient detail to permit appellate review of the violations alleged, testimony and evidence, and conclusions. Decisions of the student judicial board shall, within ten calendar days, be delivered to the student personally or sent by registered or certified mail to the student's most recent address in the student's record on file with the college and a copy filed with the office of the dean.

(xvi) Disciplinary action taken by the student judicial board is final unless the student exercises the right of appeal as provided for in these rules.

NEW SECTION

WAC 132S-40-175 Appeals of disciplinary action.

(1) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary decisions and action taken by the dean for student services or designated representative may be appealed by the student to the student judicial board.

(b) Disciplinary decisions and action taken by the student judicial board may be appealed by the student to the college president.

(2) All appeals by a student must be made in writing and received by the dean within ten calendar days of notification of the dean's or the judicial board's action. Failure to file a written appeal within the time period specified will result in the action(s) becoming final with no further right of appeal.

(3) The decision of the student judicial board shall not be set aside or modified unless the president finds the factual determination to be clearly erroneous or the application of rules to these facts to be arbitrary and capricious.

NEW SECTION

WAC 132S-40-180 Disciplinary sanctions. (1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or failure to meet

the college's standards of conduct. Reprimands shall be made in writing to the student by the dean or the student judicial board with copies filed in the office of the dean. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Restitution. An individual student may be required to make restitution for damage or loss to the college. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (5) of this section, provided that a student may be reinstated upon payment or upon a written agreed plan of repayment. Failure to strictly comply with the terms of a repayment plan will result in immediate suspension.

(4) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition including, but not limited to, limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the dean and in the student's official educational records. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension/dismissal. Temporary, indefinite, or permanent dismissal from the college of a student for violation of college rules and regulations. The notification suspending/dismissing a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean and in the student's official education record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended from the college may be denied access to all or any part of the campus or other facilities during the duration of the period of suspension.

NEW SECTION

WAC 132S-40-185 Summary suspension procedures.

(1) Initiation of summary suspension procedures.

The dean or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of alleged violation or violations of college policy, if the dean or designee has reason to believe the student presents a threat of immediate harm to him/herself or others.

(2) Permission to enter or remain on campus.

During the period of summary suspension, the suspended student shall not enter the campus of the college or any facility under the operation of the college other than to meet with the dean or designee or to attend the hearing. However, the dean may grant the student special permission

to enter the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(3) Notice of summary suspension proceedings.

(a) If the dean or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall give the student notice, orally or in writing, stating:

(i) The time, date, place and nature of the alleged misconduct;

(ii) The evidence in support of the charge(s);

(iii) The corrective action or punishment which may be imposed against the student;

(iv) The possibility that anything the student says to the dean may be used against the student; and

(v) The student's right to either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean a written request for a hearing by the student judicial board. If the request is not filed within the prescribed time, it will be deemed as waived.

(b) Appeal and hearing. If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in this document. Failure by the student to appear at the hearing with the student judicial board shall result in the dean or designee suspending the student from the college.

(c) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students on college property, or where the student's conduct materially and substantially disrupts the educational process. Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

NEW SECTION

WAC 132S-40-190 Student complaints. The purpose of these procedures is to establish a process whereby a student may express and resolve misunderstandings or complaints with any college employee in a fair and equitable manner. This procedure emphasizes an informal resolution.

(1) Complaints excluded:

(a) Complaints based on the outcomes of the disciplinary proceedings described in this student rights and responsibilities code.

(b) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Columbia Basin College.

(c) Academic evaluations.

(d) Sexual harassment, sex discrimination, or handicapped discrimination complaints. For these complaints a student shall use the provisions of the established college grievance procedures on sexual harassment, sex discrimination, and handicapped discrimination, as outlined in college policy and rules which are available within the office of the dean for student services.

(2) Initiating a complaint.

If a student believes he or she has been unfairly treated by a college employee, the student is encouraged to resolve the complaint with the individual toward whom the complaint is directed. Prior to filing a formal complaint, the student must use the following procedure:

(a) The student and the college employee should make a good-faith effort to resolve the complaint on a one-to-one basis within fifteen instructional days from the date of the complaint. In the event of absence from campus by the employee, the student shall contact the employee's supervisor for advice on how to proceed with the complaint. If the student feels that he/she cannot meet face-to-face with the employee, he/she may directly contact the supervisor.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the supervisor of the employee to facilitate a solution to the complaint.

(c) If a complaint filed with the supervisor has not been resolved, the student may proceed with a formal complaint.

(3) Proceeding with a formal complaint:

(a) Office to address: Complaints regarding an educational services employee or policy shall be addressed to the appropriate dean. Complaints regarding an administrative services employee or policy shall be addressed to the vice president of administrative services or designee.

(b) The dean, vice president, or leads shall discuss the concerns with the student and options available to resolve the concern. If the student should elect to proceed with the formal complaint, the student must outline in writing the complaint, identifying dates and persons involved as accurately as possible.

(c) The dean, vice president, or leads shall also inform the student that he/she may choose an advisor to assist the student in the completion of the complaint process. If the student elects to choose an attorney as counsel, he/she must tender three days notice thereof to the dean.

(d) The student's written complaint shall be forwarded to the employee concerned within five calendar days. The employee shall provide a written response within ten calendar days.

(e) If the written response does not resolve the complaint to the satisfaction of the student, the dean, vice president, or leads shall convene a conference of all the involved parties within ten calendar days to:

(i) Attempt to resolve to the satisfaction of all parties the complaint; and/or

(ii) Hear the issue(s) and take appropriate action(s) to resolve the complaint.

(f) Action taken by the dean, vice president, or leads, if any, may be appealed to the president/vice president, as appropriate. The decision of the president shall be final.

**LOSS OF ELIGIBILITY—STUDENT
ATHLETIC PARTICIPATION**

NEW SECTION

WAC 132S-40-195 Grounds for ineligibility. Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing, be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132S-40-200 Initiation of ineligibility proceedings. The dean or designee shall have the authority to request commencement of athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or has been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. The notice of the alleged violations and proposed suspension and the opportunity for a hearing shall be given to the student at least ten days before the hearing. A student convicted of violating chapter 69.41 RCW in a separate criminal proceeding may be given by the dean or designee an interim suspension pending final determination of any administrative proceeding held under these rules. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

NEW SECTION

WAC 132S-40-210 Ineligibility proceedings. The president of the college or designee shall select a presiding officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, currently RCW 34.05.482 through 34.05.494. A written decision shall be issued within ten calendar days of the conclusion of the brief adjudicative hearing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132S-40-010 Liquor.
- WAC 132S-40-015 Drugs.
- WAC 132S-40-020 Larceny.
- WAC 132S-40-025 Assault.
- WAC 132S-40-030 Forgery.
- WAC 132S-40-035 Misdemeanor and/or felony.

- WAC 132S-40-040 Cheating.
- WAC 132S-40-045 Damaging property.
- WAC 132S-40-046 Trespass.
- WAC 132S-40-055 Disciplinary action.
- WAC 132S-40-060 Hearing panel.
- WAC 132S-40-065 Hearing panel procedures.
- WAC 132S-40-070 Hearing panel decision.
- WAC 132S-40-075 Imposition of discipline.
- WAC 132S-40-080 Student appeal.
- WAC 132S-40-140 Grounds for ineligibility.
- WAC 132S-40-145 Suspension procedure—
Right to informal hearing.
- WAC 132S-40-150 Hearing.
- WAC 132S-40-155 Decision.

WSR 00-12-027

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

(By the Code Reviser's Office)

[Filed May 30, 2000, 8:40 a.m.]

WAC 415-108-710, 415-108-720, 415-112-025 and 415-112-548, proposed by the Department of Retirement Systems in WSR 99-23-013 appearing in issue 99-23 of the State Register, which was distributed on December 1, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-12-028

**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE PATROL**

(By the Code Reviser's Office)

[Filed May 30, 2000, 8:41 a.m.]

WAC 204-97-010, 204-97-020, 204-97-030 and 204-97-040, proposed by the Washington State Patrol in WSR 99-23-064 appearing in issue 99-23 of the State Register, which was distributed on December 1, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

PROPOSED

WSR 00-12-029
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (By the Code Reviser's Office)

[Filed May 30, 2000, 8:41 a.m.]

WAC 296-62-05170, proposed by the Department of Labor and Industries in WSR 99-23-067 appearing in issue 99-23 of the State Register, which was distributed on December 1, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 00-12-030
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
 (By the Code Reviser's Office)

[Filed May 30, 2000, 8:42 a.m.]

WAC 314-16-130, 314-16-190 and 314-16-196, proposed by the Liquor Control Board in WSR 99-23-105 appearing in issue 99-23 of the State Register, which was distributed on December 1, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 00-12-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)

[Filed May 30, 2000, 3:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-100.

Title of Rule: WAC 388-71-0445 Under home and community programs, am I eligible for Chore-funded services?, 388-71-0470 Who pays for HCP services?, and 388-71-0480 If I am employed, can I still receive HCP services?

Purpose: Amending these rules for home and community programs is necessary to correct wording and to clarify the intent.

Statutory Authority for Adoption: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, and [74.39A.]130, and sections 205 (1)(c) and 206(3), chapter 346, Laws of 1998, and RCW 74.39A.030.

Statute Being Implemented: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, and [74.39A.]130,

and sections 205 (1)(c) and 206(3), chapter 346, Laws of 1998, and RCW 74.39A.030.

Summary: The rules describe eligibility and participation requirements for Home and community programs—Medicaid personal care, COPES and Chore.

Reasons Supporting Proposal: Amending the rules is necessary to correct wording and to clarify the intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lois Wusterbarth, Program Manager, Aging and Adult Services Administration, 600 Woodland Square Loop, Lacey, WA, (360) 493-2538.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule corrects the wording and clarifies the intent of existing rules regarding Chore eligibility, and client participation rules for COPES, Medicaid personal care and Chore.

Proposal Changes the Following Existing Rules: Amends existing rules in order to correct and clarify the intent and reorganize the contents for additional clarity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule clarifies and corrects the language and intent of previous rule. The changes affect only the clients DSHS serves. No business impact is effected due to these rule changes.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule but DSHS is exempt from preparing a cost benefit analysis per RCW. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that apply to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 11, 2000.

Date of Intended Adoption: August 12, 2000.

May 25, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0445 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

(1) Be eighteen years of age or older;

(2) Require assistance with at least one of the direct personal care tasks listed in WAC 388-15-202(17);

(3) Not be eligible for MPC or COPEs, Medicare home health or other programs if these programs can meet your needs;

(4) Have net household income (as described in WAC 388-450-0005, 388-450-0015, and 388-450-0210) not exceeding:

- (a) The sum of the cost of your chore services, and
- (b) One-hundred percent of the FPL adjusted for family size.

(5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)

(6) Not transfer assets on or ~~((before))~~ after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0470 Who pays for HCP services?

Depending on your income and resources, you may be required to pay participation toward the cost of your care. The department determines exactly what amount, if any, you pay. If you are receiving:

- (1) COPEs in-home ~~((services))~~ or residential,

(a) You participate income ~~((above the Medically needy income level (MNIL) or Federal Poverty Level (FPL) directly to the service provider.))~~ per rules in WAC 388-515-1505:

(b) ~~((You pay the person providing the highest level of care or multiple providers, so long as the amount authorized for services is greater than the participation amount.~~

(e)) If you have nonexempt income that exceeds the cost of COPEs services, you may retain the difference~~((-~~

~~((d) Rules regarding COPEs in-home participation are found in WAC 388-515-1505)).~~

(2) MPC in-home services, you do not participate toward the cost of your personal care services.

- (3) MPC services in a residential setting and you are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal allowance of at least thirty-eight dollars and eighty-four cents.

(b) An SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room. You are allowed to keep a personal allowance of at least fifty-eight dollars and eighty-four cents.

(c) An SSI-related person per WAC 388-511-1105, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate plus add-on hours. You will receive a personal allowance of fifty-eight dollars and eighty-four cents.

(d) A GA-X client in an adult family home, you are allowed to keep a personal allowance of thirty-eight dollars and eighty-four cents only. The remainder of your grant must be paid to the facility.

(4) Chore services, you may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your **nonexempt** income ~~((as defined in WAC 388-513-1340) to your provider.~~

~~((4) COPEs residential services, you pay toward the cost of your room, board, personal care services, and health insurance premiums. You may retain a fifty-eight dollars and eighty-four cents clothing and personal incidental allowance (CPI) and pay any remaining MNIL income up to the residential facility rate for the cost of room and board. HCFA does not allow COPEs clients the twenty-dollar disregard. Rules regarding COPEs residential participation are found in WAC 388-515-1505.~~

~~((5) MPC residential services, and you are:~~

~~((a) An SSI or SSI-related Medicaid recipient you participate income toward the room and board only. You are guaranteed a personal allowance of at least thirty-eight dollars and eighty-four cents a month; or~~

~~((b) A non-SSI client and become SSI or SSI-related because the cost of your care in the facility exceeds your income, you may be required to participate towards the cost of your room, board, personal care services, and health insurance premiums. You will receive a personal allowance of fifty-eight dollars and eighty-four cents a month)). Exempt income includes:~~

- ~~((a) Income listed in WAC 388-513-1340;~~

~~((b) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services;~~

~~((c) Amounts paid for medical expenses not subject to third party payment;~~

~~((d) Health insurance premiums, coinsurance or deductible charges; and~~

~~((e) If applicable, those work expense deductions listed as WAC 388-71-480(2).~~

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0480 If I am employed, can I still receive HCP services? If you are disabled, as determined under WAC 388-511-1105, you may be employed and still be eligible to receive HCP services.

(1) If you remain Medicaid eligible under the categorically needy program, you are financially eligible for MPC services.

(2) If you are not Medicaid eligible due to your earned income and resources, you may be eligible to receive chore personal care services.

(a) You may be required to pay participation per WAC 388-71-0465(3) for any earned income above one hundred percent of the federal poverty level.

(b) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

(i) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;

- (ii) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;
- (iii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;
- (iv) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers is not furnished by the employer; and
- (v) Uniforms needed on the job and not suitable for wear away from the job(;
- ~~(vi) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPES) services;~~
- ~~(vii) Amounts paid for medical expenses not subject to third party payment; and~~
- ~~(viii) Health insurance premiums, coinsurance or deductible charges)).~~

WSR 00-12-038
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 31, 2000, 2:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-073.

Title of Rule: WAC 458-20-217 Lien for taxes.

Purpose: To explain the department's administrative collection remedies and procedures for delinquent liabilities.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.32.210, 82.32.220, 82.32.235, 82.32.237, 82.32.145, and 60.28.040.

Summary: This rule explains the administrative collection remedies and procedures available to the Department of Revenue to collect unpaid and overdue tax liabilities. It discusses tax liens and their effects. The rule also explains the personal liability of persons in control of collected but unpaid sales tax.

Reasons Supporting Proposal: To incorporate the statutory changes reflected in section 2, chapter 318, Laws of 1995, to clarify how a warrant is executed, and to explain lien priorities as they apply to public improvement contracts.

Name of Agency Personnel Responsible for Drafting: Anne Gernhardt, 1025 Union Avenue, Room 500, Olympia, WA, (360) 570-6044; Implementation: Claire Hesselholt, 1025 Union Avenue, Room 400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 Union Avenue, Room 400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the administrative collection remedies and procedures available to the Department of Revenue to collect unpaid and overdue tax liabilities. It discusses tax liens and liens that apply to probate, insolvency, assignments for the benefit of creditors, bankruptcy, and public improve-

ment contracts. The rule also explains the personal liability of persons in control of collected but unpaid sales tax.

The rule provides important information regarding collection remedies authorized by several different statutes. Some of these remedies require certain actions by a person who is not the taxpayer (e.g. the recipient of a "Notice and order to withhold and deliver"). The information in this rule reduces the need for a person to research multiple documents to determine his or her responsibilities and the effect of the department's administrative collection remedies.

Proposal Changes the Following Existing Rules: The department is proposing a revision to WAC 458-20-217 in part to incorporate the statutory changes reflected in section 2, chapter 318, Laws of 1995. This legislation revised RCW 82.32.145 to impose a personal liability on persons in control of sales taxes collected by a limited liability company. The rule is also being revised to clarify how a tax lien (warrant) is executed, and to explain the lien priorities for taxes due on public improvement contracts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already required by statute.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue, Olympia, WA, on July 12, 2000, at 9:30 a.m.

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

Submit Written Comments to: Anne Gernhardt, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail anneg@dor.wa.gov, by July 12, 2000.

Date of Intended Adoption: July 19, 2000.

May 31, 2000

Claire Hesselholt

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 87-9, filed 12/15/87)

~~WAC 458-20-217 Lien for taxes. (1) ((Any tax due and unpaid, and all increases and penalties thereon, constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt, which remedy is in addition to any and all other remedies.~~

~~(2) Tax warrants. When a warrant issued under RCW 82.32.210 and 82.32.220 has been filed with the clerk of the superior court and entered in the judgment docket, the warrant becomes a specific lien upon all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer, including property owned by third persons who have a beneficial interest,~~

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direct or indirect in the operation thereof, and no sale or transfer of such personal property in any way affects the lien. However, the lien is not superior to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than securing the payment of a debt or the receiving of a regular rental on equipment; provided that "bona fide interest of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction.

(a) Thus, where an oil company leases a filling station and other equipment to an operator under conditions whereby the operator is required to sell, or does sell, the products of the lessor, the lien will attach to the personal property leased by the oil company. Likewise, where the owner of a tavern grants to another a concession to operate the lunch counter therein, the lien for unpaid taxes, increases, and penalties with respect to the operation of the lunch counter will attach to any equipment, fixtures, or other personal property owned by the tavern keeper but used by the concessionaire in the conduct of the business. Similarly, the lien attaches to a stock of merchandise supplied to a dealer by a distributor, manufacturer, bank or finance company whether on consignment or under a security agreement where it appears that the distributor, manufacturer, bank or finance company has financed the dealer by means of capital loans or has in any other way aided or assisted in maintaining the dealer in business. The amount of the warrant also becomes a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued and is the same as a judgment in a civil case docketed in the office of the clerk.

(b) Warrants so docketed are sufficient to support the issuance of writs of garnishment in favor of the state, provided the taxpayer has not been denied an opportunity to be heard regarding the assessment.

(3) **Withhold and deliver.** The department of revenue is authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed. The notice and order to withhold and deliver shall constitute a continuing levy on such property until the department shall issue its release of such levy.

(a) The notice and order to withhold and deliver may be served by the sheriff of the county wherein service is made, or by his deputy, or by any authorized representative of the department of revenue. The notice and order to withhold and deliver may also be served by certified mail, return receipt requested, by the sheriff, deputy, or authorized representative of the department. Persons upon whom service has been made are required to answer the notice within twenty days exclusive of the day of service. The answer must be under

oath and in writing. If such answer states that it cannot be presently ascertained whether, in fact, any property is or shall become due, owing, or belonging to such taxpayer, the persons served herein are required to further answer when such fact can be ascertained with reasonable certainty.

(b) Property which may be subject to the claim of the department must be delivered forthwith to the department or its duly authorized representative upon demand, to be held in trust by the department for application on the indebtedness involved, or for return, without interest, in accordance with final determination of liability. In the alternative, there must be furnished a good and sufficient bond satisfactory to the department conditioned upon final determination of liability.

(e) Failure of any person to make answer to an order to withhold and deliver within the prescribed time permits the court to render a judgment by default for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

(4) **Probate, insolvency, assignment for the benefit of creditors, or bankruptcy.** In all of these cases the claim of the state for unpaid taxes and increases and penalties thereon is a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions is sufficient to create the lien without any prior or subsequent action by the state, and in all such cases it is the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the department of the existence thereof within thirty days from the date of their appointment and qualification. In the event such notice is not timely given, such persons become personally liable for the payment of the taxes and all increases and penalties.

The lien attaches as of the date of assignment or of the initiation of court proceedings, but shall not affect the validity or priority of any earlier lien that may have attached previously in favor of the state under any other provision of the Revenue Act.

(5) **Public improvement contracts.** The amount of all taxes, increases and penalties due or to become due under any chapter of the Revenue Act from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is \$20,000 or more is a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officers, and the amount of all other taxes, increases and penalties due and owing from the contractor is a lien upon the balance of such retained percentage after all other statutory lien claims have been paid.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds, before making final payment of the retained percentage to any person performing any such contract, or to his successors or assignees, must require the person to secure from the department a certificate that all taxes, increases and penalties due from such person, and all taxes to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the lien and that said lien is therefore released.

(6) **Trust fund accountability for retail sales tax.**

(a) **Background:** This rule is promulgated pursuant to RCW 82.32.300 which directs that the department of revenue has the authority to implement the provisions of RCW 82.32.237, effective May 1, 1987.

(b) **Generally:** This rule implements legislation which is intended to enforce the timely remittance of retail sales tax to the department of revenue. The statute accomplishes that intent by imposing personal liability for retail sales tax collected by the retail seller upon those persons who (i) control or supervise the collection of retail sales tax and hold the same in trust pursuant to RCW 82.08.050 or (ii) are charged with the responsibility for the filing of returns or the payment to the state of retail sales tax held in trust.

(c) **Definitions:**

(i) **Person:** Person means "person" as defined in RCW 82.04.030. The use of the term person in the singular may mean persons or vice versa where appropriate in the circumstances or where the content requires the same.

(ii) **Collected:** The term "collected" shall mean actually and physically controlled. A corporation shall be deemed to have actual and physical control if possession shall be in an agent of the corporation.

(iii) **Termination:** The term "termination" means revocation of the corporation's certificate of registration, the first act of liquidation or distribution of corporate assets with the intent to cease any further business activity after liquidation or distribution, the filing of a petition in bankruptcy court for complete liquidation or any other act evidencing the intent to quit business or close business activity.

(iv) **Abandonment:** The term "abandonment" means the officers, directors, and shareholders have relinquished all dominion and control of the corporate affairs and there is no one who acknowledges authority to act for or on behalf of the corporation.

(v) **Dissolution:** The term "dissolution" means statutory dissolution pursuant to chapter 23A.28 RCW.

(d) **Requirements for assessment:** Before the department may assess trust fund accountability for retail sales tax held in trust, the statute requires that the underlying retail sales tax liability be that of a corporation. Second, there must also be a termination, dissolution or abandonment of the corporation. Third, the person against whom personal liability is sought willfully failed to pay or to cause to be paid retail sales tax collected and held in trust. Fourth, the person against whom personal liability is sought is a person who has control or supervision over the trust funds or is responsible for reporting or remitting the retail sales tax. Finally, there must be no reasonable means to collect the tax directly from the corporation.

(e) **Persons liable:** Any person who controls or supervises the collection of retail sales tax or is charged with the responsibility for the filing of returns or the payment of retail sales tax collected and held in trust, may be personally liable to the state for the retail sales tax which was collected, held in trust, pursuant to RCW 82.08.050 and not paid over to the state. There may be more than one person liable under this statute if the requirements as to each are present.

(i) "Control or supervision of the collection of retail sales tax" shall mean the person who has the power and responsi-

bility under corporate bylaws, job description or other proper delegation of authority (as established by written documentation or through a course of conduct) to collect, account and deposit the corporate revenue and to make payment of the retail sales tax to the department of revenue. The term means significant rather than exclusive control or supervision. Thus, the term shall not mean the sales clerk who actually collects the funds from the customer or the person whose only responsibility is to take control of the funds and deposit the same into the bank, but it shall include the treasurer of the corporation if it is that person's responsibility to assure that the revenue is collected from the cash registers, tills or similar collection devices and that the amounts are deposited into the corporate account. It may also include the bookkeeper if the bookkeeper has the responsibility to collect, account and deposit the corporate revenue. In both examples, it is the treasurer or bookkeeper who have the significant control or supervision.

(ii) "Responsibility for the filing of returns or the payment of the retail sales tax collected and held in trust" shall mean the person who has the authority and discretion to file state excise tax returns and to determine which corporate debts should be paid. The person who signs the state excise tax returns or signs checks on behalf of or for the corporation may be a responsible party if that person also has the authority and discretion to determine which corporate debts should be paid. If the corporate account requires the signature of more than one person, then all such signatories may be a responsible party for trust fund accountability purposes. A member of the board of directors, a shareholder or an officer may also become a responsible party if the director, shareholder or officer actually approves the payment of corporate debts whereby the result of such approval is to pay the trust funds to someone other than the department of revenue.

(f) **Extent of personal liability:** If a person is found personally liable for the retail sales tax held in trust, such person shall be liable for any retail sales tax held in trust including interest and penalties which have accrued or may be accruing on such taxes. The liability of such person shall be limited to only the retail sales tax held in trust (and the interest and penalties accruing thereon) for the time that the person had control or supervision over the retail sales tax collected or had responsibility for the filing of returns or the payment to the state of the retail sales tax held in trust.

(i) The amount of liability assessable against a person for trust fund accountability shall be the amount of the retail sales tax actually collected and held in trust (during the period for which personal liability is sought) plus any penalties and interest accruing on said amount. For corporations who report state excise taxes on the accrual basis or corporations who report retail sales tax in accordance with "method three" of WAC 458-20-199, the amount of the personal liability shall be reduced by payments of retail sales tax actually remitted to the state but not yet collected from the customer.

(ii) If the department has determined that there is no reasonable means of collection of the tax directly from the corporation and the corporation holds property which has a readily ascertainable value, then the department shall reduce the amount of assessable personal liability by an amount that

represents the fair market value of such corporate property. The fair market value determined by the department shall be rebuttable by a preponderance of the evidence through persons who are competent and otherwise qualified to give testimony as to value. The term "fair market value" shall have its usual and customary meaning less reasonable costs of liquidation, if applicable.

~~(g) Willfully fails to pay or to cause to be paid:~~ The statute defines the term "willfully fails to pay or to cause to be paid" as an intentional, conscious and voluntary course of action. The failure to pay over such tax must be the result of a willful failure to pay or to cause to be paid to the state any retail sales tax ~~collected~~ on retail sales by the corporation as opposed to retail sales tax due on the corporation's consumable items:

For example, if the treasurer knows that the retail sales tax must be remitted to the state on the twenty-fifth day of the following month, but rather than holding the funds for payment on the twenty-fifth, uses such funds to pay for any other obligation such as the payroll or additional inventory, such act is an intentional, conscious and voluntary course of action. If there are insufficient funds on the twenty-fifth day of the following month to pay over to the state, the treasurer will have willfully failed to pay or to cause to be paid retail sales tax held in trust.

~~(h) Circumstances beyond the control:~~ Any person, who shall otherwise meet the requirements for personal liability, shall not be personally liable if the failure to pay or to cause to be paid is the result of circumstances beyond the control of such person and that person has exercised good faith in collecting and attempting to hold the funds in trust. The following examples are provided for illustrative purposes only and they do not, in any way, limit the scope of the circumstances which may be beyond the control of the person against whom liability is sought. Each case will be determined in accordance with its particular facts and circumstances:

~~(i) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the Internal Revenue Service levies and seizes the money. Such occurrence is beyond the control of the person against whom personal liability is sought.~~

~~(ii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the person learns that the business is the victim of an embezzler, the criminal act of which has been reported and duly documented by the local law enforcement authority. Such occurrence is beyond the control of the person against whom personal liability is sought.~~

~~(iii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the bank in which the retail sales tax has been deposited exercises a right of offset and removes the money from the taxpayer's control. Such occurrence is beyond the control of the person against whom personal liability is sought.~~

~~(iv) Prior to the date for timely payment of the retail sales tax, the person against whom personal liability is sought agrees to a judgment against the corporation and allows the~~

judgment creditor to garnish the funds held in trust and become a preferred creditor over the state. Such occurrence lacks good faith and is not beyond the control of the person against whom personal liability is sought:

~~(i) No reasonable means of collection:~~ Before the department is authorized to pursue personal liability for retail sales tax under the trust fund theory, the department must find that there is no reasonable means of collecting the retail sales tax directly from the corporation:

"No reasonable means of collection" shall mean that the burden to pursue the corporation's assets may outweigh the benefits to be achieved. Inconvenience of collection alone is insufficient to establish the absence of a reasonable means of collection. This standard, however, does not require that the department liquidate all assets of the corporation before it can pursue recourse under the theory of trust fund accountability. A lack of a reasonable means of collection is illustrated by the following examples. (These examples are used for illustration only and they shall not be considered the only circumstances under which the meaning of the phrase shall apply.)

~~(i) Assume that the corporation owned real estate upon which there were first and second mortgages. The value of the property may satisfy the first and second lien holders, but it is doubtful that, after costs of sale, there would be sufficient value remaining to satisfy all or a part of the trust fund liability. A reasonable means of collection is not present, because the cost to pursue the corporation's real property may produce no value with which to satisfy any or all of the liability.~~

~~(ii) Assume that the corporation owned miscellaneous office furniture and equipment. The value of the property is negligible. A reasonable means of collecting the tax is not present, because the burden to liquidate all assets in order to recover a negligible value outweighs the benefit of a few dollars to be recovered.~~

~~(j) Notice of personal liability:~~ The department shall give the person against whom personal liability is sought notice in accordance with RCW 82.32.130. The notice shall include the taxpayer's name as well as registration, tax assessment and tax warrant numbers, if any, of the corporation; the name of the person against whom the personal liability is sought; a statement that there is no reasonable means of collection and the reasons for such conclusion; and the capacity (control/supervision or responsible person) upon which the department seeks to base the personal liability:

~~(k) Appeal of trust fund accountability assessment:~~ Any person who has received an assessment under the authority of RCW 82.32.237, and this section shall have the right to proceed under WAC 458-20-100 and any other remedy found in RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.)) **Introduction.** This rule provides an overview of the administrative collection remedies and procedures available to the department of revenue (department) to collect unpaid and overdue tax liabilities. It discusses tax liens and the liens that apply to probate, insolvency, assignments for the benefit of creditors, bankruptcy and public improvement contracts. The rule also explains the personal liability of persons in control of collected but unpaid sales tax. Although the department may use judicial remedies to collect unpaid tax, most of the department's collection

actions are enforced through the administrative collection remedies discussed in this rule.

(2) **Tax liens.** The department is not required to obtain a judgment in court to have a tax lien. A tax lien is created when a warrant issued under RCW 82.32.210 is filed with a superior court clerk who enters it into the judgment docket. A copy of the warrant may be filed in any county in this state in which the department believes the taxpayer has real and/or tangible personal property. The department is not required to give a taxpayer notice prior to filing a tax warrant. *Peters v Sjoholm*, 95 Wn.2d 871, 877, 631 P.2d 937 (1981) *appeal dismissed, cert. denied* 455 U.S. 914 (1982). The tax lien is an encumbrance on property. The department may enforce a tax lien by administrative levy, seizure or through judicial collection remedies.

(a) **Attachment of lien.** The filed warrant becomes a specific lien upon all personal property used in the conduct of the business and a general lien against all other real and personal property owned by the taxpayer against whom the warrant was issued.

(i) The specific lien attaches to all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer. Other personal property includes both tangible and intangible property. For example, the specific lien attaches to business assets such as accounts receivable, chattel paper, royalties, licenses and franchises. The specific lien also attaches to property used in the business which is owned by persons other than the taxpayer who have a beneficial interest, direct or indirect, in the operation of the business. (See subsection (3) below for what constitutes a beneficial interest.) The lien is perfected on the date it is filed with the superior court clerk. The lien does not attach to property used in the business that was transferred prior to the filing of the warrant. It does attach to all property existing at the time the warrant is filed as well as property acquired after the filing of the warrant. No sale or transfer of such personal property affects the lien.

(ii) The general lien attaches to all real and personal non-business property such as the taxpayer's home and non-exempt personal vehicles.

(b) **Lien priorities.** The department does not need to levy or seize property to perfect its lien. The lien is perfected when the warrant is filed. The tax lien is superior to liens that vest after the warrant is filed.

(i) The lien for taxes is superior to bona fide interests of third persons that vested prior to the filing of the warrant if such persons have a beneficial interest in the business.

(ii) The lien for taxes is also superior to any interest of third persons that vested prior to the warrant if the interest is a mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant.

(iii) In most cases, to have a vested or perfected security interest in personal property, the secured party must file a UCC financing statement indicating its security interest. RCW 62A.9-301. See RCW 62A.9-302 for the exceptions to this general rule. The financing statement must be filed prior

to the filing of the tax warrant for the lien to be superior to the department's lien.

(c) **Period of lien.** A filed tax warrant creates a lien that is enforceable for the same period as a judgment in a civil case that is docketed with the clerk of the superior court. RCW 82.32.210(4). A judgment lien expires ten years from the date of filing. RCW 4.56.310. The department may extend the lien for an additional ten years by filing a petition for an order extending the judgment with the clerk of the superior court. The petition must be filed within ninety days of the expiration of the original ten-year period. RCW 6.17.020.

(3) **Persons who have a beneficial interest in a business.** A third party who receives part of the profit, a benefit, or an advantage resulting from a contract or lease with the business has a beneficial interest in the operation of the business. A party whose only interest in the business is securing the payment of debt or receiving regular rental payments on equipment does not have a beneficial interest. Also, the mere loaning of money by a financial institution to a business and securing that debt with a UCC filing does not constitute a beneficial interest in the business. Rather, a party who owns property used by a delinquent taxpayer must also have a beneficial interest in the operation of that business before the lien will attach to the party's property. The definition of the term "beneficial interest" for purposes of determining lien priorities is not the same as the definition used for tax free transfers described in WAC 458-20-106.

(a) **Third party.** A third party is simply a party other than the taxpayer. For example, if the taxpayer is a corporation, an officer or shareholder of that corporation is a "third party" with a beneficial interest in the operation of the business. If the corporate insider has a security interest in property used by the business, the tax lien will be superior even if the corporate insider's lien was filed before the department's lien.

(b) **Beneficial interest of lessor.** In some cases a lessor or franchisor will have a beneficial interest in the leased or franchised business. For example, an oil company that leases a gas station and other equipment to an operator and requires the operator to sell its products is a third party with a beneficial interest in the business. Factors which support a finding of a beneficial interest in a business include the following:

(i) The business operator is required to pay the lessor or franchisor a percentage of gross receipts as rent;

(ii) The lessor or franchisor requires the business operator to use its trade name and restricts the type of business that may be operated on the premises;

(iii) The lease places restrictions on advertising and hours of operation; and/or

(iv) The lease requires the operator to sell the lessor's products.

(c) A third party who has a beneficial interest in a business with a filed lien is not personally liable for the amounts owing. Instead, the amount of tax, interest and penalties as reflected in the warrant becomes a specific lien upon the third party's property that is used in the business.

(4) **Notice and order to withhold and deliver.** A tax lien is sufficient to support the issuance of a writ of garnish-

ment authorized by chapter 6.27 RCW. RCW 82.32.210(4). A tax lien also allows the department to issue a notice and order to withhold and deliver. A notice and order to withhold and deliver (order) is an administrative garnishment used by the department to obtain property of a taxpayer from a third party such as a bank or employer. See RCW 82.32.235. The department may issue an order when it has reason to believe that a party is in the possession of property that is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed.

(a) **Service of order.** The department may serve an order to withhold and deliver to any person, or to any political subdivision or department of the state. The order may be served by the sheriff or deputy sheriff of the county where service is made, by any authorized representative of the department, or by certified mail.

(b) **Requirement to answer order.** A person upon whom service has been made is required to answer the order in writing within twenty days of service of the order. The date of mailing or date of personal service is not included when calculating the due date of the answer. All answers must be true and made under oath. If an answer states that it cannot presently be ascertained whether any property is or shall become due, owing, or belonging to such taxpayer, the person served must answer when such fact can be ascertained. RCW 82.32.235.

(i) If the person served with an order possesses property of the taxpayer subject to the claim of the department, the party must deliver the property to the department or its duly authorized representative upon demand. If the indebtedness involved has not been finally determined, the department will hold the property in trust to apply to the indebtedness involved or for return without interest in accordance with the final determination of liability or nonliability. In the alternative, the department must be furnished a satisfactory bond conditioned upon final determination of liability. RCW 82.32.235.

(ii) If the party upon whom service has been made fails to answer an order to withhold and deliver within the time prescribed, the court may enter a default judgment against the party for the full amount claimed owing in the order plus costs. RCW 82.32.235.

(c) **Continuing levy.** A notice and order to withhold and deliver constitutes a continuing levy until released by the department. RCW 82.32.237.

(d) **Assets that may be attached.** Both tangible assets, as a vehicle, and intangible assets may be attached. Examples of intangible assets that may be attached by an order to withhold and deliver include, but are not limited to, checking or savings accounts; accounts receivable; refunds or deposits; contract payments; wages and commissions, including bonuses; liquor license deposits; rental income; dealer reserve accounts held by service stations or auto dealers; and funds held in escrow pending sale of a business. Certain insurance proceeds are subject to attachment such as the cash surrender value of a policy. The department may attach funds in a joint account that are owned by the delinquent taxpayer. Funds in a joint account with the right of survivorship are owned by the depositors in proportion to the amount

deposited by each. RCW 30.22.090. The joint tenants have the burden to prove the separate ownership.

(e) **Assets exempt from attachment.** Examples of assets which are not attachable include Social Security, railroad retirement, welfare, and unemployment benefits payable by the federal or state government.

(5) **Levy upon real and/or personal property.** The department may issue an order of execution, pursuant to a filed warrant, directing the sheriff of the county in which the warrant was filed to levy upon and sell the real and/or personal property of the taxpayer in that county. RCW 82.32.220. If the department has reason to believe that a taxpayer has personal property in the taxpayer's possession that is not otherwise exempt from process or execution, the department may obtain a warrant to search for and seize the property. A search warrant is obtained from a superior or district court judge in the county in which the property is located. See RCW 82.32.245.

(6) **Probate, insolvency, assignment for the benefit of creditors or bankruptcy.** In all of these cases or conditions, the claim of the state for unpaid taxes and increases and penalties thereon, is a lien upon all real and personal property of the taxpayer. RCW 82.32.240. All administrators, executors, guardians, receivers, trustees in bankruptcy, or assignees for the benefit of creditors are required to notify the department of such administration, receivership, or assignment within sixty days from the date of their appointment and qualification. In cases of insolvency, this includes the duty of the person who is winding down the business to notify the department.

(a) The state does not have to take any action to perfect its lien. The lien attaches the date of the assignment for the benefit of creditors or of the initiation of the probate or bankruptcy. In cases of insolvency, the lien attaches at the time the business becomes insolvent. The lien, however, does not affect the validity or priority of any earlier lien that may have attached in favor of the state under any other provision of the Revenue Act.

(b) Any administrator, executor, guardian, receiver, or assignee for the benefit of creditors who does not notify the department as provided above is personally liable for payment of the taxes and all increases and penalties thereon. The personal liability is limited to the value of the property subject to administration that otherwise would have been available to pay the unpaid liability.

(c) In probate cases in which a surviving spouse is separately liable for unpaid taxes and increases and penalties thereon, the department does not need to file a probate claim to protect the state's interest against the surviving spouse. The department may collect from the surviving spouse's separate property and any assets formerly community property which become the surviving spouse's property. If the deceased spouse and/or the community also was liable for the tax debt, the claim also could be asserted in the administration of the deceased spouse's estate.

(7) **Lien on retained percentage of public improvement contracts.** Every public entity engaging a contractor under a public improvement project of twenty thousand dollars or more, shall retain five percent of the total contract

price, including all change orders, modifications, etc. This retainage is a trust fund held for the benefit of the department and other statutory claimants. In lieu of contract retainage, the public entity may require a bond. All taxes, increases, and penalties due or to become due under Title 82 RCW from a contractor or the contractor's successors or assignees with respect to a public improvement contract of twenty thousand dollars or more shall be a lien upon the amount of the retained percentage withheld by the disbursing officer under such contract. RCW 60.28.040.

(a) **Priorities.** The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under the public improvement contract have a first priority lien against the bond or retainage. The department's lien for taxes, increases, and penalties due or to become due under such contract is prior to all other liens. The amount of all other taxes, increases and penalties due from the contractor is a lien upon the balance of the retained percentage after all other statutory lien claims have been paid. RCW 60.28.040.

(b) **Release of funds.** Upon final acceptance by the public entity or completion of the contract, the disbursing officer shall contact the department for its consent to release the funds. The officer cannot make any payment from the retained percentage until the department has certified that all taxes, increases, and penalties due have been paid or are readily collectible without recourse to the state's lien on the retained percentage. RCW 60.28.050 and 60.28.051.

(8) **Personal liability for unpaid trust funds.** The retail sales tax is to be held in trust. RCW 82.08.050. As a trust fund, the retail sales tax is not to be used to pay other corporate or personal debts. RCW 82.32.145 imposes personal liability on any responsible person who willfully fails to pay or cause to be paid any collected but unpaid retail sales tax. Collection authority and procedures prescribed in chapter 82.32 RCW apply to the collection of trust fund liability assessments.

(a) **Responsible person.** A responsible person is any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust or who has the responsibility for filing returns or paying the collected retail sales tax.

(i) A responsible person may have "control and supervision" of collected retail sales tax or the responsibility to report the tax under corporate bylaws, job description, or other proper delegation of authority. The delegation of authority may be established by written documentation or by conduct.

(ii) A responsible person must have significant but not necessarily exclusive control or supervision of the trust funds. Neither a sales clerk who only collects the tax from the customer nor an employee who only deposits the funds in the bank has significant supervision or control of the retail sales tax. An employee who has the responsibility to collect, account for, and deposit trust funds does have significant supervision or control of the tax.

(iii) A person is not required to be a corporate officer or have a proprietary interest in the business to be a responsible person.

(iv) A member of the board of directors, a shareholder, or an officer may have trust fund liability if that person has the authority and discretion to determine which corporate debts should be paid and approves the payment of corporate debts out of the collected retail sales trust funds.

(v) More than one person may have personal liability for the trust funds if the requirements for liability are present for each person.

(b) **Requirements for liability.** In order for a responsible person to be held personally liable for collected and unpaid retail sales tax:

(i) The tax must be the liability of a corporate or limited liability business;

(ii) The corporation must be terminated, dissolved, or abandoned;

(iii) The failure to pay must be willful; and

(iv) The department must not have a reasonable means of collecting the tax from the corporation.

(c) **Willful failure to pay.** A willful failure to pay means that the failure was an intentional, conscious, and voluntary course of action. An intent to defraud or a bad motive is not required. For example, using collected retail sales tax to pay other corporate obligations is a willful failure to pay the trust funds to the state.

(i) A responsible person depositing retail sales tax funds in a bank account knowing that the bank might use the funds to off-set amounts owing to it is engaging in a voluntary course of action. It is a willful failure to pay if the bank does exercise its right of set off which results in insufficient funds to pay the corporate retail sales tax that was collected and deposited in the account. To avoid personal liability in such a case, the responsible party can set aside the collected retail sales tax and not commingle it with other funds that are subject to attachment or set off.

(ii) If the failure to pay the trust funds to the state was due to reasons beyond that person's control, the failure to pay is not willful. For example, if the person responsible for remitting the tax provides evidence that the trust funds were unknowingly stolen or embezzled by another employee, the failure to pay is not considered willful. To find that a failure to pay the trust funds to the state was due to reasons beyond that person's control, the facts must show both that the circumstances caused the failure to pay the tax and that the circumstances were beyond the person's control.

(iii) If a responsible person instructs an employee or hires a third party to remit the collected sales tax, the responsible person is not relieved of personal liability for the tax if the tax is not paid.

(d) **Extent of liability.** Trust fund liability includes the collected but unpaid retail sales tax as well as the interest and penalties due on the tax.

(i) An individual is only liable for trust funds collected during the period he or she had the requisite control, supervision, responsibility, or duty to remit the tax, plus interest and penalties on those taxes. RCW 82.32.145(2).

(ii) Any retail sales taxes that were paid to the department but not collected may be deducted from the retail sales taxes collected but not paid.

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(e) No reasonable means of collection. The department has "no reasonable means of collection" if the costs of collection would be more than the amount that could be collected; if the amount that might be recovered through a levy, foreclosure or other collection action would be negligible; or if the only means of collection is against a successor corporation.

(f) Appeal of personal liability assessment. Persons who receive a notice of a personal liability assessment under RCW 82.32.145 are encouraged to contact the department's local field office that issued the assessment and request a supervisory conference if they dispute the assessment. If they are unable to reach agreement, any person who receives a personal liability assessment is entitled to the administrative and judicial appeal procedures provided by Title 32 RCW. RCW 82.32.145(4).

WSR 00-12-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed May 31, 2000, 3:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-020.

Title of Rule: WAC 388-545-500 Physical therapy.

Purpose: Requires providers who furnish physical therapy through an early intervention program under the Individuals with Disabilities Education Act (IDEA) to comply with the requirements of IDEA. Corrects a cross-reference to a repealed WAC section that has been updated and established under a new section.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 34 C.F.R. 303.12 (4)(b).

Statute Being Implemented: RCW 74.08.090, 74.09.520, [34] C.F.R. 303.12 (4)(b).

Summary: The department recently amended this rule to update policy and to comply with the Governor's Executive Order 97-02. Stakeholders' comments indicated that certain program requirements listed in WAC 388-545-500(3) were unclear as to requirement and intent. The department is amending this rule to refer those providers who furnish physical therapy through an early intervention program under the Individuals with Disabilities Education Act (IDEA) to that act to meet the requirements. The amendment will also correct a cross-reference to a repealed WAC section that has been updated and established under a new section.

Reasons Supporting Proposal: To require providers to meet the requirements for services provided under IDEA. To correct a WAC cross-reference section.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, MAA/DPS, 925 Plum Street S.E., Olympia, WA 98501, (360) 725-1342; Implementation and Enforcement: Patty Balestra, MAA/DOSS, 623th Avenue S.E., Olympia, WA 98501, (360) 725-1840.

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 new rule clarifies certain program requirements listed in WAC 388-545-500(3) for clients who receive physical therapy through an early intervention program under the federal Individuals with Disabilities Education Act (IDEA). It also corrects a cross-reference to a repealed WAC section that has been updated and established in a new WAC section.

Proposal Changes the Following Existing Rules: The rule proposed below adds language to clarify program requirements listed in WAC 388-545-500(3) for clients provided physical therapy through an early intervention program under the IDEA. It also corrects a cross-reference to a repealed WAC section that has been updated and established in a new WAC section.

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

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Department of Social and Health Services, Medical Assistance Administration (MAA) is amending WAC 388-545-500 (3)(f) by incorporating a reference to federal requirements. The amended language follows; deleted language is shown with strikeout, and added language is underlined.

- WAC 388-545-500 (3)(f) (~~For disabled children, age two and younger, in natural settings in which children without disabilities participate, to the maximum extent appropriate to the needs of the child~~) In accordance with the requirements of the Individuals with Disabilities Education Act (IDEA), for early intervention services for children age two and younger.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small business and outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

MAA has analyzed the proposed rule amendment and concludes that no new costs are being imposed on the small businesses affected by them. However, in response to stakeholder request, a SBEIS has been prepared as follows:

1. Requirements of the Proposed Rule: Disabled children age two or younger receive physical therapy services in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) for early intervention services.

2. Brief Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: Since the federal regulation has been in effect since 1993, the department assumes that providers have been following the regulation since that time. If there were additional requirements that providers had to meet at that time, the department assumes that those requirements were met and any changes that providers made to meet those requirements have been in

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use since then. Referring providers to the federal requirement should therefore have no impact on providers' record-keeping and other compliance requirements.

3. Revenue/Sales Lost Because of Compliance with the Proposed Rule: Since the federal regulation has been in effect since 1993, the department assumes that providers have been following the regulation since that time. If any sales/revenue were lost because of the regulation, the department assumes the brunt of any loss was felt at the time of implementation; no additional revenue should be lost as providers comply with the proposed rule.

4. Comparison of the Cost of Compliance for Small Businesses with the Cost of Compliance for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed Rules: Because of the nature of the service provided, there should be no difference in the cost of compliance for small businesses and large businesses. The percentage of MAA-program eligible children under the age two or younger receiving physical therapy services in calendar year 1999 was 15%. The department assumes that the percentage of children that are part of an early intervention program under the Individuals with Disabilities Education Act (IDEA) would be less than 15%.

5. Steps the Department Will Take to Reduce the Proposed Rule's Costs or a Fair Reason for Not Reducing Costs: The department concludes that the proposed rule will not impose any new costs on the providers affected by it. This is because providers are not required to make any change in the location of where they currently provide services; they are merely required to comply with the federal IDEA requirements, which have been in effect since 1993.

6. List the Affected Businesses: Any physical therapist who has an agreement with the department to furnish services to eligible MAA clients.

7. How the Department Involved Businesses in Developing the Proposed Rule: A draft copy of the rule was mailed to any independent physical therapist or facility that provides outpatient physical therapy services and who is on MAA's mailing list.

COST - BENEFIT ANALYSIS: As required by RCW 34.05.328 (1)(c), MAA has analyzed the probable costs and probable benefits of the proposed amendments. MAA has determined that the proposed rules are not "significant" as defined by the legislature. MAA is not adopting new or making significant amendments to policy; the proposed amendment is merely to require providers to meet federal program requirements that have been in effect since 1993.

A copy of the statement may be obtained by writing to Kathy Sayre, 925 Plum Street S.E., Olympia, WA 98501, phone (360) 725-1342, fax (360) 586-9727.

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

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: July 12, 2000.

May 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-04-019, filed 1/24/00, effective 2/24/00)

WAC 388-545-500 Physical therapy. (1) The following providers are eligible to provide physical therapy services:

- (a) A licensed physical therapist or physiatrist; or
- (b) A physical therapist assistant supervised by a licensed physical therapist.

(2) Clients in the following MAA programs are eligible to receive physical therapy services described in this chapter:

- (a) Categorically needy (CN);
- (b) Children's health;
- (c) General assistance-unemployable (GA-U) (within Washington state or border areas only);

(d) Alcoholism and drug addiction treatment and support act (ADATSA) (within Washington state or border areas only);

(e) Medically indigent program (MIP) for emergency hospital-based services only; or

(f) Medically needy program (MNP) only when the client is either:

(i) Twenty years of age or younger and referred under the early and periodic screening, diagnosis and treatment program (EPSDT/healthy kids program) as described in WAC 388-86-027; or

(ii) Receiving home health care services as described in chapter 388-551 WAC.

(3) Physical therapy services that MAA eligible clients receive must be provided as part of an outpatient treatment program:

(a) In an office, home, or outpatient hospital setting;

(b) By a home health agency as described in chapter 388-551 WAC;

(c) As part of the acute physical medicine and rehabilitation (acute PM&R) program as described in the acute PM&R subchapter under chapter 388-550 WAC;

(d) By a neurodevelopmental center;

(e) By a school district or educational service district as part of an individual education or individualized family service plan as described in WAC ((388-86-022)) 388-537-0100; or

(f) ~~((For disabled children, age two and younger, in natural environments including the home and community settings in which children without disabilities participate, to the maximum extent appropriate to the needs of the child))~~ In accordance with the requirements of the Individuals with Disabilities Education Act (IDEA), for early intervention services for disabled children age two and younger.

(4) MAA pays only for covered physical therapy services listed in this section when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary and ordered by a physician, physician's assistant (PA), or an advanced registered nurse practitioner (ARNP);

(c) Begun within thirty days of the date ordered;

(d) For conditions which are the result of injuries and/or medically recognized diseases and defects; and

(e) Within accepted physical therapy standards.

(5) Providers must document in a client's medical file that physical therapy services provided to clients age twenty-one and older are medically necessary. Such documentation may include justification that physical therapy services:

(a) Prevent the need for hospitalization or nursing home care;

(b) Assist a client in becoming employable;

(c) Assist a client who suffers from severe motor disabilities to obtain a greater degree of self-care or independence; or

(d) Are part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization.

(6) MAA determines physical therapy program units as follows:

(a) Each fifteen minutes of timed procedure code equals one unit; and

(b) Each nontimed procedure code equals one unit, regardless of how long the procedure takes.

(7) MAA does not limit coverage for physical therapy services listed in subsections (8) through (10) of this section if the client is twenty years of age or younger.

(8) MAA covers, without requiring prior authorization, the following ordered physical therapy services per client, per diagnosis, per calendar year, for clients twenty-one years of age and older:

(a) One physical therapy evaluation. The evaluation is in addition to the forty-eight program units allowed per year;

(b) Forty-eight physical therapy program units;

(c) Ninety-six additional outpatient physical therapy program units when the diagnosis is any of the following:

(i) A medically necessary condition for developmentally delayed clients;

(ii) Surgeries involving extremities, including:

(A) Fractures; or

(B) Open wounds with tendon involvement.

(iii) Intracranial injuries;

(iv) Burns;

(v) Traumatic injuries;

(vi) Meningomyelocele;

(vii) Down's syndrome;

(viii) Cerebral palsy; or

(ix) Symptoms involving nervous and musculoskeletal systems and lack of coordination;

(d) Two durable medical equipment (DME) needs assessments. The assessments are in addition to the forty-eight physical therapy program units allowed per year. Two program units are allowed per DME needs assessment; and

(e) One wheelchair needs assessment in addition to the two durable medical needs assessments. The assessment is in addition to the forty-eight physical therapy program units allowed per year. Four program units are allowed per wheelchair needs assessment.

(f) The following services are allowed, per day, in addition to the forty-eight physical therapy program units allowed per year:

(i) Two program units for orthotics fitting and training of upper and/or lower extremities.

(ii) Two program units for checkout for orthotic/prosthetic use.

(iii) One muscle testing procedure. Muscle testing procedures cannot be billed in combination with each other.

(g) Ninety-six additional physical therapy program units are allowed following a completed and approved inpatient acute PM&R program. In this case, the client no longer needs nursing services but continues to require specialized outpatient physical therapy for any of the following:

(i) Traumatic brain injury (TBI);

(ii) Spinal cord injury (paraplegia and quadriplegia);

(iii) Recent or recurrent stroke;

(iv) Restoration of the levels of functions due to secondary illness or loss from multiple sclerosis (MS);

(v) Amyotrophic lateral sclerosis (ALS);

(vi) Cerebral palsy (CP);

(vii) Extensive severe burns;

(viii) Skin flaps for sacral decubitus for quadriplegics only;

(ix) Bilateral limb loss;

(x) Open wound of lower limb; or

(xi) Acute, infective polyneuritis (Guillain-Barre's syndrome).

(9) For clients age twenty-one and older, MAA covers physical therapy services which exceed the limitations established in subsection (8) of this section if the provider requests prior authorization and MAA approves the request.

(10) MAA will pay for one visit to instruct in the application of transcutaneous neurostimulator (TENS) per client, per lifetime.

(11) Duplicate services for occupational therapy and physical therapy are not allowed for the same client when both providers are performing the same or similar procedure(s).

(12) MAA does not cover physical therapy services that are included as part of the reimbursement for other treatment programs. This includes, but is not limited to, hospital inpatient and nursing facility services.

(13) MAA does not cover physical therapy services performed by a physical therapist in an outpatient hospital setting when the physical therapist is not employed by the hospital. Reimbursement for services must be billed by the hospital.

WSR 00-12-040
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 31, 2000, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-055.

Title of Rule: WAC 388-448-0005, the following criteria is used to determine if a child is deprived of parental support due to incapacity.

Purpose: WAC 388-448-0005 is being repealed. RCW 74.12.010 was amended to remove the deprivation requirement as a result of the passage of ESB 5798 (chapter 120, Laws of 1999) during the 1999 legislative session.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: Chapter 74.04 RCW.

Summary: Repeal of WAC 388-448-0005.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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 rule explains who is eligible for general assistance unemployable.

Proposal Changes the Following Existing Rules: WAC 388-448-0005 is repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is being repealed.

RCW 34.05.328 does not apply to this rule adoption. The rule is being repealed.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: No sooner than July 12, 2000.

May 31, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WAC 388-448-0005

The following criteria is used to determine if a child is deprived of parental support due to incapacity.

WSR 00-12-072
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 6, 2000, 11:18 a.m.]

Original Notice.

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

Title of Rule: WAC 356-22-220 Veterans preference in examinations, 251-17-150 Veterans preference, and 251-01-175 Final examination score.

Purpose: These rules define veteran and allow eligible veterans preference in examinations.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are needed as a result of legislative changes which becomes effective June 1, 2000.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules define veteran and allows eligible veterans preference in examinations. As a result of the passing SSB 5366, these modifications change "preference" to "scoring" and extends the eligibility period from eight to fifteen years. This eligibility period can also be extended beyond fifteen years by the appointing authority of an agency or personnel officer of a institution of higher education for valid and extenuating circumstances.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 6, 2000, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 11, 2000.

REPEALER

The following section of the Washington Administrative Code is repealed:

PROPOSED

Date of Intended Adoption: July 13, 2000.

June 6, 2000
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-220 Veterans ((preference)) scoring in examinations. (1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during:

- (a) World War II;
- (b) The Korean Conflict;
- (c) The Viet Nam Era, beginning August 5, 1964 and ending May 7, 1975;
- (d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;
- (e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; ((or))

(f) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil, or

(g) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress.

(2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

(3) In all competitive examinations, veterans, as defined in (1) above and upon submission of their qualifying DD214 form, shall be given ((a preference)) additional percentages by adding to the passing ((grade)) score, based upon a possible rating of 100 points as perfect, a percentage of such passing ((grade)) score under the following conditions:

(a) Ten percent to a veteran who ((is not receiving any veterans retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent to a veteran who ((is receiving any veterans retirement payments)) did not serve during a period of war or in an armed conflict or is receiving military retirement. ((This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(c) Five percent to a veteran who ((after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years ((This preference shall be utilized on the first promotional examination only.)) The percentage shall be added to the first promotional examination only.

(4) The above ((preference)) provisions must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the director or designee for valid and extenuating reasons to include but not limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

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 96-11-061, filed 5/10/96, effective 6/6/96)

WAC 251-17-150 Veterans ((preference)) scoring in examinations. (1) Veterans who claim ((veterans preference)) eligibility, submit the qualifying DD214 form, and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing scores:

(a) Ten percent of the final passing score for a veteran who ((is not receiving any veteran's retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent of the final passing score for a veteran who ((is receiving any veteran's retirement payments)) did not serve during a period of war or in an armed conflict or is receiving military retirement. ((This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(c) Five percent of the final passing score for a veteran who ((after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years. ((This preference shall be limited to the first promotional examination following return from military service.))

The percentage shall be added to the first promotional examination only.

(2) ~~((Veterans preference))~~ The above provisions must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the personnel officer for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

(3) The term "veteran" as used in these rules shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:

(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or

(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.

(4) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Viet Nam era, beginning August 5, 1964 and ending on May 7, 1975;

(e) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(f) The following armed conflicts, if the participant was awarded the respective campaign badge or medal; the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; and

(g) The period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress.

AMENDATORY SECTION (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

WAC 251-01-175 Final examination score. An applicant's final passing score on an examination, plus any veterans ~~((preference))~~ or other applicable credits added in accordance with WAC 251-17-150 and/or 251-18-180 ~~((+10)(b))~~.

WSR 00-12-073

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 6, 2000, 11:19 a.m.]

Original Notice.

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

Title of Rule: WAC 356-14-140 Salary—Increase on promotion.

Purpose: This rule describes the criteria on how and when employees should receive a 5% or 10% promotion.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow agencies the ability to authorize a promotion increase higher than 5%.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes how and when employees should receive a 5% or 10% increase. Upon promotion an employee receives a 5% increase. An agency is required to give a 10% increase in certain circumstances. This modification will give agencies the flexibility to allow higher than a 5% increase at any time as long as the amount of the increase remains on a step within the salary range of the class.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 6, 2000, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 11, 2000.

Date of Intended Adoption: July 13, 2000.

June 6, 2000

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 90-23-030 (Order 361), filed 11/14/90, effective 12/15/90)

WAC 356-14-140 Promotion—Salary~~((—))~~**increase** ~~((on promotion))~~. (1) ~~((An))~~ The appointing authority shall advance an employee who is promoted ~~((to a class whose~~

~~base range is less than six ranges higher than the base range of the former class will advance))~~ to the step of the range for the new class which is nearest to a minimum of 5% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

~~(2) ((A#))~~ The appointing authority shall advance an employee who is promoted under any one or more of the following conditions ((shall advance)) to the step of the range for the new class which is nearest to a minimum of 10% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(a) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(b) When the employee is promoted over an intervening class in the same class series.

(c) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(d) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

(3) When an employee is promoted from a Y-rate salary, the Y-rate shall first terminate, and the promotional increase shall be calculated from the next-lower step of the range for the class from which promoted. The calculation will then be completed as illustrated in 1 or 2 of this section.

~~((4) Any promotional increase must result in a salary which is not less than the first, and not more than the top, step of the range for the class to which the employee is promoted.))~~

~~((5))~~ (4) No assignment pay or other special pay provision, except applicable comparable worth ranges, shall be considered in calculating promotional increases.

~~((6))~~ (5) Promotional increases for T-ranges (teachers and principals) are not calculated in the manner described ~~((above))~~ in the compensation plan.

~~((7))~~ (6) An employee who is working in a position which is included in an approved class series study, and who accepts a promotion within that agency to a classification impacted by the same study, shall be paid not less than the salary that would have been paid if the employee had remained in the former position and benefited from an upward reallocation. The new higher salary must be on a step within the range for the new class to which the employee is promoted, and shall be effective on the effective date of the class study.

~~((8) The salary of any employee who, after June 30, 1990, was promoted to a class whose range has a higher top step than that of the former class, and who received less promotional increase than is provided under subsection 1 or 2 of this section, shall be recalculated. Effective September 16, 1990, such salary shall move to the even step of the range which would result if the promotion had occurred that day.~~

~~If such employee has received a periodic increment increase since June 30, 1990, the base salary on September~~

~~16, 1990, shall be not less than if the increment date had occurred on September 16, 1990.))~~

~~((9))~~ (7) Promotional increases for ~~((“N” ranges))~~ ~~((classes requiring licensure as a registered nurse((“N” ranges) are ((not)) calculated in the manner described ((above)) below.~~

An employee who is promoted into or between classes which have special pay range "N" shall advance to the step in the new range, as shown in the "N" range salary schedule, which represents the greater of (a), (b) or ~~((b))~~ (c) below.

(a) Placement on the step which coincides with the employee's total length of experience as a registered nurse (RN) and/or licensed practical nurse (LPN). Experience shall be credited as follows:

(i) RN experience shall be credited year for year.

(ii) Up to ten years LPN experience shall be credited at the rate of two years LPN experience equals one year of RN experience, for a maximum credit of five years.

or

(b) Placement on the step of the new range which is nearest to a minimum of 5% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

or

(c) The appointing authority shall advance an employee who is promoted under any one or more of the following conditions to the step of the range for the new class which is nearest to a minimum of 10% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(i) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(ii) When the employee is promoted over an intervening class in the same class series.

(iii) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(iv) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

WSR 00-12-074

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 6, 2000, 11:20 a.m.]

Original Notice.

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

Title of Rule: New WAC 251-08-075 Salary adjustment and amending WAC 356-14-070 Salary—Limits.

PROPOSED

Purpose: These rules pertain to salary adjustments and salary limits.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These rules will allow the personnel officer of an institution of higher education or an appointing authority of an agency flexibility to adjust a current employee's salary within the range.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules describe salary adjustment and salary limits. This modification will allow the personnel officer of a institution of higher education or the appointing authority of an agency flexibility to adjust a current employee's salary within the range to address issues that are related to recruitment and retention.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 6, 2000.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 11, 2000.

Date of Intended Adoption: July 13, 2000.

June 6, 2000
Dennis Karras
Secretary

NEW SECTION

WAC 251-08-075 Salary adjustment. The personnel officer may authorize a salary adjustment for an employee within the salary range of the current class to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-070 Salary—Limits. (1) No employee shall be compensated at a basic salary rate greater than the maximum or less than the minimum step of the salary range to which the class had been allotted, unless the director

authorizes a different rate in cases of reallocation downward or in other cases involving unusual circumstances where equity requires a different rate of pay.

(2) The appointing authority may authorize a salary adjustment for an employee within the salary range of the current class to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

(3) On appeals from reallocation downward the decision of the director or designee, and/or the personnel appeals board, may be made effective retrospectively to the effective date of the appealed reallocation. In all other cases the decision shall only be made effective prospectively. All such requests and justifications must be submitted to the board in writing within 15 calendar days from the effective date of the action from which the request originates.

WSR 00-12-075
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed June 6, 2000, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-110.

Title of Rule: Amendatory section WAC 458-20-195 Taxes, deductibility.

Purpose: The purpose of the rule is to explain the circumstances under which state, local, or federal taxes may be deducted or excluded from the measure of tax under the business and occupation (B&O) tax, retail sales tax, and public utility tax.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.4285, 82.04.070, 82.04.080, 82.08.010, and 82.16.010 as they apply to whether taxes are included or not included in the measure of tax.

Summary: This rule explains the circumstances under which state, local, or federal taxes may be deducted or excluded when calculating the B&O tax, retail sales tax, and public utility tax. The rule also provides nonexclusive lists of specific taxes that are deductible, and those which are not deductible.

Reasons Supporting Proposal: To rectify incorrect statutory citations, and to provide additional examples of various taxes which are or are not deductible.

Name of Agency Personnel Responsible for Drafting: D. Douglas Titus, 1025 Union Avenue, Room 400, Olympia, WA, (360) 570-6112; Implementation: Claire Hesselholt, 1025 Union Avenue, Room 400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 Union Avenue, Room 400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains when certain taxes may be

deducted to determine the measure of state retail sales, B&O, or public utility taxes. The purpose of the rule is to distinguish between the specific deduction authorized for motor vehicle fuel taxes authorized by RCW 82.04.4285 and the exclusion from the measure of tax for taxes imposed on a buyer but collected by the seller as agent of a governmental entity. The anticipated effect of this rule is that the taxpayer will be able to easily and accurately identify the circumstances under which a tax is deductible.

Proposal Changes the Following Existing Rules: This is a revision to an existing rule.

WAC 458-20-195 identifies certain federal and state taxes which are or are not deductible in determining the measure of state tax. The proposed draft corrects inaccurate statutory citations in the current rule. It also updates the lists of federal, state, and local taxes which may or may not be deductible or excludable. The revision also organizes the rule to more effectively distinguish between the specific deduction authorized by RCW 82.04.4285 for motor vehicle fuel taxes and the general exclusion from the measure of tax for taxes imposed on a buyer but collected by the seller as agent of a governmental entity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue, Olympia, WA, on July 11, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6176.

Submit Written Comments to: Doug Titus, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail dougt@dor.wa.gov, by July 11, 2000.

Date of Intended Adoption: July 21, 2000.

June 6, 2000

Claire Hesselholt
Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-13-053, filed 6/9/99, effective 7/10/99)

WAC 458-20-195 Taxes, deductibility. (1) **Introduction.** This rule explains the circumstances under which taxes may be deducted from the gross amount reported as the measure of tax under the business and occupation tax, retail sales tax, and public utility tax. It also lists deductible and nondeductible taxes.

(2) **Deductibility of taxes.** In computing tax liability, the amount of certain taxes may be excluded or deducted from the gross amount reported as the measure of tax under the business and occupation (B&O) tax, the retail sales tax, and

the public utility tax. These taxes may be deducted provided they have been included in the gross amount reported under the classification with respect to which the deduction is sought, and have not been otherwise deducted through inclusion in the amount of ~~((an))~~ another allowable deduction ~~((taken under such classification for another reason, e.g., interstate commerce)), such as credit losses.~~

The amount of taxes which are not allowable as deductions or exclusions must in every case be included in the gross amount reported. License and regulatory fees are not deductible. Questions regarding the deductibility or exclusion of a tax that is not specifically identified in this rule should be submitted to the department of revenue for determination.

(3) **Motor vehicle fuel taxes.** RCW 82.04.4285 provides a B&O tax deduction for certain state and federal motor vehicle fuel taxes when the taxes are included in the sales price. These taxes include:

- State motor vehicle fuel tax chapter 82.36 RCW;
- State special fuel tax chapter 82.38 RCW;
- Federal tax on diesel and special motor fuels (including leaking underground storage tank taxes), except train and aviation fuels 26 U.S.C.A. Sec. 4041;
- Federal tax on inland waterway commercial fuel 26 U.S.C.A. Sec. 4042;
- Federal tax on gasoline and diesel fuel for use in highway vehicles and motorboats 26 U.S.C.A. Sec. 4081.

(4) **Taxes collected as an agent of municipalities, the state, or the federal government.** The amount of taxes collected by a taxpayer, as agent for municipalities, the state of Washington or its political subdivisions, or ~~((for))~~ the federal government, may be deducted from the gross amount reported. These taxes are deductible under each tax classification of the Revenue Act under which the gross amount from such sales or services must be reported.

This deduction applies only where the amount of such taxes is received by the taxpayer as collecting agent and is paid by the agent directly to a municipality, the state, its political subdivisions, or to the federal government. When the taxpayer is the person upon whom a tax is primarily imposed, no deduction or exclusion is allowed, since in such case the tax is a part of the cost of doing business. The mere fact that the amount of tax is added by the taxpayer as a separate item to the price of goods sold, or to the charge for services rendered, does not in itself, make such taxpayer a collecting agent for the purpose of this deduction. Examples of deductible taxes include:

- FEDERAL—
- Tax on ~~((telegraph, telephone, radio and cable messages))~~ communications services (telephone and teletype-writer exchange services) 26 U.S.C.A. Sec. 4251;

PROPOSED

PROPOSED

Tax on transportation of persons 26 U.S.C.A. Sec. 4261;
 Tax on transportation of property 26 U.S.C.A. Sec. 4271;

STATE—

Aviation fuel tax collected from buyers by a distributor as defined by RCW 82.42.010 chapter 82.42 RCW;
 Leasehold excise tax collected from lessees chapter 82.29A RCW;
Oil spill response tax collected from taxpayers by marine terminal operators chapter 82.23B RCW;
 Retail sales tax collected from buyers chapter 82.08 RCW;
Solid waste collection tax collected from buyers chapter 82.18 RCW;
State enhanced 911 tax collected from subscribers chapter 82.14B RCW;
 Use tax collected from buyers chapter 82.12 RCW;

MUNICIPAL—

City admission tax RCW 35.21.280;
County admissions and recreations tax chapter 36.38 RCW;
County enhanced 911 tax collected from subscribers chapter 82.14B RCW;
Local retail sales and use taxes collected from buyers chapter 82.14 RCW.

(5) **Specific taxes which are not deductible.** Examples of specific taxes which may be neither deducted nor excluded from the measure of the tax include the following:

FEDERAL—

A.A.A. compensating tax 7 U.S.C.A. Sec. 615(e);
 A.A.A. processing tax 7 U.S.C.A. Sec. 609;
 Aviation fuel 26 U.S.C.A. Sec. ((4161)) 4091;
Distilled spirits, wine and beer taxes 26 U.S.C.A. chapter 51;
Diesel and special motor fuel tax for fuel used for purposes other than motor vehicles and motor-boats 26 U.S.C.A. Sec. 4041;
 Employment taxes 26 U.S.C.A. chapters 21-25;
 Estate taxes ((6)) 26 U.S.C.A. chapter 11;

Firearms, shells and cartridges 26 U.S.C.A. Sec. 4181;
 Gift taxes 26 U.S.C.A. chapter 12;
 Importers, manufacturers and dealers in firearms ((6)) 26 U.S.C.A. Sec. 5801;
 Income taxes 26 U.S.C.A. Subtitle A;
 Insurance policies issued by foreign insurers 26 U.S.C.A. Sec. 4371;
 ((Liquor taxes 6 U.S.C.A. chapter 51;))
 Sale and transfer of firearms tax 26 U.S.C.A. Sec. 5811;
 Sporting goods 26 U.S.C.A. Sec. 4161;
 Superfund tax 26 U.S.C.A. Sec. 4611;
 Tires 26 U.S.C.A. Sec. 4071;
 Tobacco excise taxes 26 U.S.C.A. chapter 52;
 Wagering taxes 26 U.S.C.A. chapter 35;

STATE ((AND MUNICIPAL))—

Ad valorem property taxes Title 84 RCW;
 Alcoholic beverages licenses and stamp taxes (Breweries, distillers, distributors and wineries) chapter 66.24 RCW;
Aviation fuel tax when not collected as agent for the state chapter 82.42 RCW;
 Boxing, sparring and wrestling tax chapter 67.08 RCW;
 Business and occupation tax chapter 82.04 RCW;
 Cigarette tax chapter 82.24 RCW;
 Gift and inheritance taxes Title 83 RCW;
 Insurance premiums tax chapter 48.14 RCW;
 ((Municipal utility taxes chapter 54.18 RCW;))
Hazardous substance tax chapter 82.21 RCW;
Litter tax chapter 82.19 RCW;
Pollution liability insurance fee RCW 70.149.080;
 Parimutuel tax RCW 67.16.100;
Petroleum products - underground storage tank tax chapter 82.23A RCW;
 Public utility tax chapter 82.16 RCW;
 Real estate excise tax chapter 82.45 RCW;

Tobacco products tax chapter 82.26 RCW;
Use tax when not collected as agent for state chapter 82.12 RCW;

MUNICIPAL—

Local use tax when not collected as agent for cities or counties chapter 82.14 RCW;
Municipal utility taxes chapter 54.28 RCW;
Municipal and county real estate excise taxes chapter 82.46 RCW.

WSR 00-12-080
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 6, 2000, 1:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-045.

Title of Rule: New chapter 388-531 WAC, Physician-related services; and repealing WAC 388-86-011 Advanced registered nurse practitioners, 388-86-055 Laboratory services, 388-86-095 Physician services, 388-86-09601 Podiatric services, 388-86-110 X-ray services, 388-87-0075 Payment—Laboratory services, and 388-87-095 Payment—Physician services.

Purpose: The department is establishing a new chapter for rules pertaining to physician-related services. To avoid duplication, related rules in chapters 388-86 and 388-87 WAC are proposed for repeal.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

Summary: The department is establishing a new chapter for rules pertaining to physician-related services. To avoid duplication, related rules in chapters 388-86 and 388-87 WAC are proposed for repeal.

Reasons Supporting Proposal: To consolidate physician-related services rules in one chapter. To add payment methodology to various physician-related service rules. To comply with the Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Ann Myers, DPS/RIP, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Dave Cundiff M.D., P.O. Box 45500, Olympia, WA 98504, (360) 725-1500.

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 proposed rule will consolidate physician-related services rules into one chapter. It also puts payment method-

ology into rule. As new and existing rules are consolidated into the new chapter, they have been reviewed and written to meet the clear-language guidelines in the Governor's Executive Order 97-02.

The purpose of this action is to move physician-related services into one chapter, and to state those rules in clear, understandable language. This contributes to better understanding and easier usage by both department staff and providers.

The anticipated effects are to make the rules easier to find and to understand.

Proposal Changes the Following Existing Rules: The proposal repeals rules listed above and restates those policies in the new chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and concludes that, since the rules reflect no change in current policy, no new costs will [be] imposed on the small businesses affected by them.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rules and determined that they meet the definition of a "significant legislative rule." An analysis of the probable costs and benefits is available from 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 August 8, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by July 28, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by August 8, 2000.

Date of Intended Adoption: August 9, 2000.

June 1, 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 00-14 issue of the Register.

WSR 00-12-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 6, 2000, 1:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-054.

Title of Rule: Chapter 388-255 WAC, Special payments (ongoing additional requirements).

Purpose: Chapter 388-255 WAC will be repealed and rewritten as chapter 388-473 WAC. This revision is being done to meet the requirements of the WAC migration of Title

PROPOSED

388 WAC. The revised section will meet the standards of Executive Order No. 97-02 for regulatory improvement.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: Chapter 74.04 RCW.

Summary: The rules are being rewritten to meet the WAC migration and clear-writing mandates.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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 rule explains what ongoing additional requirements are and under what circumstances clients are eligible for them.

Proposal Changes the Following Existing Rules: WAC 388-255-1300 Additional requirements..., winterizing homes AFDC is being repealed and not included in the rewrite as chapter 388-473 WAC. That benefit is now covered under additional requirements for emergent needs described in WAC 388-436-0002.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: July 12, 2000.

May 31, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-473 WAC

ONGOING ADDITIONAL REQUIREMENTS

NEW SECTION

WAC 388-473-0010 General provisions for ongoing additional requirements. For the purposes of this chapter, "we" and "us" refers to the department of social and health services. "You" refers to the applicant or recipient. An "ongoing additional requirement" is a continuing need that

you have for which you require additional financial benefits in order to continue living independently.

(1) We may authorize ongoing additional requirement benefits if you are:

(a) Eligible for temporary assistance for needy families (TANF), refugee or general assistance cash, or SSI payments; and

(b) Aged, blind, or disabled.

(2) You may apply for ongoing additional requirement benefits by asking for it from staff that maintain your cash or medical assistance.

(3) We authorize ongoing additional requirement benefits only when we determine the item is essential to you. In deciding if you are eligible for ongoing additional requirement benefits, we consider and verify:

(a) The circumstances that created the need; and

(b) Your health, safety and ability to continue to live independently.

(4) When we determine ongoing additional requirement benefits are needed, we:

(a) Increase your cash assistance benefit to provide the additional benefits by monthly payment;

(b) Periodically review whether you continue to need the additional benefits. We conduct this review at least:

(i) Twice a year for TANF and refugee cash assistance recipients;

(ii) Yearly for general assistance or SSI recipients when we decide the need is not likely to change; or

(iii) More frequently if we expect your circumstances to change.

(5) Monthly payment standards for ongoing additional requirements are described under WAC 388-478-0050.

NEW SECTION

WAC 388-473-0020 Restaurant meals as an ongoing additional requirement. We authorize benefits for restaurant meals when we decide you are:

(1) Physically or mentally unable to prepare meals;

(2) A roomer and meals are not provided or your housing arrangement does not provide for or allow cooking; or

(3) Homeless.

NEW SECTION

WAC 388-473-0030 Home-delivered meals as an ongoing additional requirement. We authorize benefits for home-delivered meals, such as meals on wheels, when we decide the following conditions are all true:

(1) You cannot prepare all of your meals, and home-delivered meals are available;

(2) You require help in preparing meals and getting home-delivered meals would ensure your nutrition or health;

(3) Help in preparing meals is not available without cost to you; and

(4) Board (or board and room) is not available to you or would cost you more than home-delivered meals.

NEW SECTION

WAC 388-473-0040 Food for service animals as an ongoing additional requirement. (1) A "service animal" is one that has been trained at a recognized school or training facility to provide you with assistance that is necessary for your health and safety, and that supports your ability to continue to live independently.

(2) We authorize benefits for food for a service animal if we decide the animal assists you in your daily living as described in WAC 388-473-0040(1).

NEW SECTION

WAC 388-473-0050 Telephone services as an ongoing additional requirement. We authorize benefits for telephone services when we decide:

(1) Without a telephone, your life would be endangered, you could not live independently, or you would require a more expensive type of personal care; and

(2) You have applied for the Washington telephone assistance program (WTAP) through your local telephone company.

NEW SECTION

WAC 388-473-0060 Laundry as an ongoing additional requirement. We authorize benefits for laundry when we decide:

(1) You are not physically able to do your own laundry; or

(2) You do not have laundry facilities that are accessible to you due to your physical limitations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-255-1020 Additional requirements—General provisions.
- WAC 388-255-1050 Additional requirements—Restaurant meals.
- WAC 388-255-1100 Additional requirements—Home-delivered meals (meals on wheels).
- WAC 388-255-1150 Additional requirements—Food for guide dog or service animal.
- WAC 388-255-1200 Additional requirement—Telephone.
- WAC 388-255-1250 Additional requirements—Laundry.
- WAC 388-255-1300 Additional requirements—Winterizing homes AFDC.

WSR 00-12-082

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 6, 2000, 1:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-053.

Title of Rule: WAC 388-478-0050 Payment standards for recurring additional requirements.

Purpose: This revision is being done to update the payment standards information.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: Chapter 74.04 RCW.

Summary: This revision simplifies the language and removes a reference to winterizing homes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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 rule gives the payment standards for the various categories of ongoing additional requirements that are explained in chapter 388-473 WAC.

Proposal Changes the Following Existing Rules: The standard for winterization was removed as it is covered under WAC 388-436-0002.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: July 12, 2000.

May 31, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

PROPOSED

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

WAC 388-478-0050 Payment standards for ((recurring)) ongoing additional requirements. An "ongoing additional requirement" is a continuing need that you have for which you require additional financial benefits in order to continue living independently. The "payment standard" for ongoing additional requirement benefits is the amount of money needed to pay for these items or services. We use the following payment standards for ((recurring)) ongoing additional requirements approved under WAC ((388-255-1050 through 388-255-1300)) 388-473-0020 through 388-473-0060:

- (1) Restaurant meals: \$187.09 per month (or \$6.04 per day with the payment rounded down to the nearest dollar amount);
- (2) Laundry: \$11.13 per month;
- (3) ((Guide dog or)) Service animal food: \$33.66 per month;
- (4) Home delivered meals: The amount charged by the agency providing the meals;
- (5) Telephone: The ((minimum residential)) local telephone flat rate for the area; or the ((discounted amount established under the)) Washington telephone assistance program (WTAP) rate, whichever is less(;
- (6) Winterizing homes: A maximum of \$500).

WSR 00-12-083
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 6, 2000, 1:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-09-034.

Title of Rule: Chapter 388-31 WAC, Washington telephone assistance program.

Purpose: 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 rewritten to meet the standards of Executive Order No. 97-02. It will then be incorporated into chapter 388-273 WAC.

Statutory Authority for Adoption: RCW 80.36.440, 74.08.090.

Statute Being Implemented: Chapters 74.08 and 80.36 RCW.

Summary: The rules are being rewritten to meet the WAC migration and clear-writing mandates.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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 rule explains what the Washington telephone assistance program is, who is eligible, and what the benefits are.

Proposal Changes the Following Existing Rules: Chapter 388-31 WAC is being repealed. The rule is being rewritten and moved to chapter 388-273 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: July 12, 2000.

May 31, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

Chapter 388-273 WAC

**WASHINGTON TELEPHONE
 ASSISTANCE PROGRAM**

NEW SECTION

WAC 388-273-0010 Purpose of the Washington telephone assistance program. The Washington telephone assistance program (WTAP) is designed to help low-income households afford access to local telephone service. For the purposes of this chapter, "we" and "us" mean the department of social and health services (DSHS). "You" means the person who is applying and eligible for WTAP.

NEW SECTION

WAC 388-273-0020 Who may receive WTAP. To receive WTAP benefits, you must:

- (1) Qualify for:
 - (a) Temporary assistance for needy families (TANF);
 - (b) State family assistance (SFA);
 - (c) General assistance-unemployable (GAU);
 - (d) Refugee assistance;
 - (e) Food assistance;
 - (f) Supplemental Security Income (SSI);
 - (g) Medical assistance, including Medicare cost sharing programs;

- (h) Community options program entry system (COPES);
- or
- (i) DSHS chore services.
- (2) Be age eighteen or older or, if under eighteen, be the responsible head of household;
- (3) Apply to the local exchange company that provides your local flat rate telephone service;
- (a) "**Local exchange company**" means an eligible telecommunication carrier providing local service, i.e., the telephone company.
- (b) "**Flat rate service**" is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service.
- (4) Have the lowest available flat rate service; and
- (5) Have the local telephone service billed in your name.

NEW SECTION

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

- (a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;
- (b) Waiver of deposit requirements on local telephone service; and
- (c) Fifty percent discount on service connection fees. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent.
- (2) WTAP benefits are limited to one residential line per household. These benefits cannot be used for cell phones.
- (3) The deposit waiver and the discount on connection fees are available once per service year. "**Service year**" means the period beginning July 1 and ending June 30 of the following calendar year.
- (4) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30.

NEW SECTION

WAC 388-273-0030 How you can apply for WTAP.

- (1) You can apply for WTAP by contacting the local telephone company.
- (2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.
- (3) The telephone company will tell you if you qualify for WTAP benefits.

NEW SECTION

WAC 388-273-0035 What we will reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

- (a) Program services provided after eligibility for WTAP is verified;

- (b) Correct, verifiable billing items;
- (c) Invoices submitted within ninety days following the month the expense occurred;
- (d) Items charged in error that have been corrected within sixty days from the date we return the report of invoicing error to the local phone company;
- (e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of case number and client identification errors is not an allowable expense;
- (f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;
- (g) Expenses for supplies and materials for implementing and maintaining WTAP;
- (h) Postage and handling for delivery of WTAP material;
- (i) Administrative charge for change of service orders specified by tariffs; and
- (j) Documented indirect costs associated with implementing and maintaining WTAP.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-31-010	Purpose of program.
WAC 388-31-015	Definitions.
WAC 388-31-020	Conditions of eligibility.
WAC 388-31-025	WTAP benefits.
WAC 388-31-030	Notification and eligibility periods.
WAC 388-31-035	WTAP fund.

**WSR 00-12-084
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed June 6, 2000, 3:33 p.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 00-07-093.
Title of Rule: Chapter 308-93 WAC, Vessel registration identification.
Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.
2. To clarify rules and help make them more comprehensible.
Statutory Authority for Adoption: RCW 88.07.070, 88.02.100.
Summary: Amending WAC 308-93-440 Ownership in doubt, 308-93-450 Signature of owner on application—Exceptions, 308-93-460 Release of interest, and 308-93-470 Certificate of signatures.
Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

PROPOSED

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation: Deborah McCurley, 1125 Washington Street S.E., Olympia, 902-3754; 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, 1125 Washington Street S.E., Olympia, WA 98507, on July 24, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by July 20, 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 July 20, 2000.

Date of Intended Adoption: August 8, 2000.

June 6, 2000
Deborah McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 98-09-023, filed 4/8/98, effective 5/9/98)

WAC 308-93-440 Ownership in doubt. ~~((When an applicant is unable to provide an acceptable release of interest as defined in WAC 308-93-460 from the owner(s) of record for a vessel, the applicant may:~~

~~(1) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel. Such judgment is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or~~

~~(2) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is unnecessary as described in subsection (1) of this section. The applicant shall:~~

~~(a) Provide evidence of ownership of the vessel such as, but not limited to, a bill of sale;~~

~~(b) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for~~

~~that vessel from the department by satisfying (b)(i) or (ii) of this subsection and completing a form approved by the department. When satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.~~

~~(i) If a record is found, the applicant shall send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter shall contain information regarding the sender's claim to ownership or a notarized or certified release of interest.~~

~~(ii) If no record is found, or the previous owner did not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant shall provide an affidavit of Request for Bonded Title or Registration without Title form explaining how the vessel was acquired.~~

~~(e) Determine whether to bond the vessel and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vessel is a Washington state vessel dealer or in lieu of the judgment described in subsection (1) of this section if there is evidence of a security agreement on the last record as found in (b) of this subsection. A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vessel as determined by one of the following:~~

~~(i) A statement from a vessel dealer showing the average retail value of that year, make and model of the vessel in average condition; or~~

~~(ii) Information provided by any guide book or other publication of recognized standing in the vessel industry; or~~

~~(iii) An agreement reached between the applicant and an authorized department agent or employee.~~

~~(d) Apply to the department after the three-year bond or registration only period has lapsed, or submit the proper endorsement on the certificate of ownership or a satisfactory release of interest. The department shall, upon proper application, issue a certificate of ownership without the bond notation.~~

~~(e) Upon transferring ownership during the three-year ownership in doubt period, provide the transferee with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1) of this section or shall apply to the department for ownership in doubt as described in subsection (2) of this section and complete the time remaining on the previous ownership in doubt period.)~~

(1) What do I do if I am unable to provide an acceptable release of interest as defined in WAC 308-93-460 from the owner(s) of record for a vessel? When you are unable to provide an acceptable release of interest from the owner(s) of record for a vessel, you may:

(a) Apply for registration only as described in subsection (2) of this section;

(b) Apply for bonded certificate of ownership as described in subsection (9) of this section; or

(c) Petition any district or superior court of any county of this state to receive a court order awarding ownership of the vessel as described in subsection (10) of this section.

PROPOSED

(2) What is "registration only"? A term used to describe registration of a vessel when a certificate of ownership is not issued because ownership is in doubt. If ownership is not contested during the three-year period of registration only, the registered owner(s) may apply for certificate of ownership.

(3) How do I apply for "registration only"?

(a) If the vessel was last registered or titled in Washington, you must:

(i) Provide evidence of ownership of the vessel such as a bill of sale, or other reasonable proof that you have purchased the vessel;

(ii) Send a certified letter (return receipt requested) requesting a notarized release of interest from registered owner and/or legal owner; and

(iii) Complete an affidavit for registration only form approved by the department.

(b) If the vessel was last registered or titled in another state or jurisdiction, you must write to the agency that issued the last known certificate of ownership or registration. If a record is found, you must send a certified letter with return receipt, to each registered owner and legal owner/secured party at the address shown on the last record. The letter must contain information regarding your claim to ownership and request a notarized release(s) of interest.

(4) What if I do not know who the owner(s) of record is? For purposes of this section, an individual purchaser or transferee of a vessel may request and receive the name and address of the owner(s) of record for that vessel from the department to satisfy subsection (3)(a)(ii) of this section.

(5) What if no record is found or no response is received from the registered owner? If no record is found, or the previous owner did not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, you must provide an affidavit of request for bonded title or registration without title form explaining how the vessel was acquired.

(6) What if no response is received from the known legal owner/secured party? If the legal owner/secured party did not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, you must provide a Washington court order from a district or superior court of any county awarding you ownership of the vessel.

(7) What is a bonded certificate of ownership? A bonded certificate of ownership is an ownership document that carries the brand "BONDED" and secured by an ownership bond for one and one-half times the value of the vessel. The value is determined by:

(a) A statement from a vessel dealer showing the average retail value of that year, make and model of the vessel in average condition; or

(b) Information provided by any valuation guide book or other publication recognized by the vessel industry; or

(c) An agreement reached between the applicant and an authorized department agent, subagent or employee; or

(d) A department of revenue appraisal. The bond is required for three years from the time of application to the department. At the end of this period of time you may apply

to the department for a certificate of ownership without the bond brand.

(8) When do I need to apply for a bonded certificate of ownership? A bond is required:

(a) If the seller of the vessel is a Washington licensed vessel dealer without a clear certificate of ownership. The Washington licensed vessel dealer must obtain a bonded certificate of ownership to provide to buyer; or

(b) When ownership is in doubt and you need proof of ownership for the vessel to be used as collateral.

(9) Where do I obtain a bond? You may obtain a bond from an insurance or bonding company.

(10) When do I need to obtain a court order? A court order is required if:

(a) Ownership of the vessel is contested after you make application for ownership and before the existing three-year (ownership in doubt) period has ended;

(b) You are unable to obtain a release of interest from the legal owner/secured party of the vessel.

When the court order is submitted to the department, you may be issued a certificate of ownership without the bond brand.

(11) May I sell or release my interest in the vessel during the three-year (ownership in doubt) period? Yes, upon transferring ownership during the three-year (ownership in doubt) period, provide the new owner with a notarized or certified release of interest. The new owner may:

(a) Provide a court order as described in subsection (9) of this section; or

(b) Apply to the department for ownership in doubt as described in subsection (1) of this section and complete the time remaining on the previous ownership in doubt period.

(12) What happens after the three-year (ownership in doubt) period has ended? You may apply to the department after the three-year bond or "registration only" period has ended. The department shall, upon proper application, issue a certificate of ownership without the bond brand.

(13) May I obtain a certificate of ownership before the three-year (ownership in doubt) period has ended? Yes, to receive a certificate of ownership, you must submit the notarized/certified release of interest from the previous owner(s), a properly endorsed certificate of ownership to the department or provide a court order awarding ownership.

AMENDATORY SECTION (Amending WSR 98-09-023, filed 4/8/98, effective 5/9/98)

WAC 308-93-450 Signature of owner on application—Exceptions. ((All vessel owners are required to sign the application for certificate of ownership except:

(1) When the application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate certificate of ownership;

(4) When there is a statutory authorized lien filed by a government agency against the vessel;

~~(5) When an existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting their security interest.~~

~~(6) Only one owner's signature is required when:~~

~~(a) The last certificate of ownership was issued in another jurisdiction; and~~

~~(b) The last certificate of ownership shows multiple registered owners; and~~

~~(c) Ownership is not changing.)) (1) **When is the signature of a registered owner(s) required?** Each registered owner is required to sign the application for certificate of ownership except when:~~

~~(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;~~

~~(b) Authorized supportive documentation, such as a power of attorney, is used in lieu of the signature(s);~~

~~(c) The legal owner applies for a duplicate certificate of ownership;~~

~~(d) There is a statutorily authorized lien filed by a government agency against the vessel;~~

~~(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.~~

~~(2) **If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required?** Only one registered owner's signature is required when:~~

~~(a) The last certificate of ownership was issued in another jurisdiction; and~~

~~(b) The last certificate of ownership shows multiple registered owners; and~~

~~(c) Ownership is not changing.~~

AMENDATORY SECTION (Amending WSR 98-09-023, filed 4/8/98, effective 5/9/98)

WAC 308-93-460 Release of interest. ~~((1) Vessel owner(s) and secured parties who intend to release interest in a vessel shall:~~

~~(a) Sign the release of interest provided on the certificate of ownership issued by the department; or~~

~~(b) Sign a release of interest document or form approved by the department.~~

~~(2) In lieu of subsection (1)(a) and (b) of this section, secured parties who intend to release their interest in a vessel may provide:~~

~~(a) Their properly completed official lien release form; or~~

~~(b) A release of interest on their official letterhead, if the secured party is a business entity.~~

~~(3) If the Washington certificate of ownership is a paperless title, the secured party may release their interest electronically or by signing an affidavit in lieu of title. If the affidavit in lieu of title is printed at their business location, the signature need not be notarized.~~

~~(4) Signatures releasing owner interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470. Signatures releasing interest on the certificate of~~

~~ownership issued by the department or another jurisdiction do not need to be notarized or certified.~~

~~(5) Secured parties who are businesses do not need to have their signatures notarized or certified when releasing interest in a vessel in accordance with subsection (2)(a) or (b) of this section if the current certificate of ownership is submitted with an application for a new certificate of ownership.~~

~~(6) A release of interest is not required:~~

~~(a) From an owner identified as a lessee; or~~

~~(b) If a valid marine document has been issued by or applied for from the United States Coast Guard documentation office; or~~

~~(c) When other appropriate documents are submitted in lieu of the release of interest. Such documents may include, but are not limited to, a certified or notarized: Bill of sale, affidavit in lieu of title with the release of interest portion properly completed, release of interest form, affidavit of loss of title with the release of interest portion properly completed, or letter of release.~~

~~(7) If a vessel is documented, a United States Coast Guard abstract may be used to release the interest of the secured party for a vessel registered in Washington.~~

~~(8) Secured parties who intend to release interest on a vessel that has a marine document issued by the United States Coast Guard, documentation office shall provide:~~

~~(a) Their properly completed official lien release form; or~~

~~(b) A release of interest on their official letterhead, if the secured party is a business entity;~~

~~(c) Provide a certified copy of the satisfaction of Preferred Marine Mortgage;~~

~~(d) Provide a certified copy of the document abstract from the United States Coast Guard, documentation office showing the lien has been satisfied.~~

~~(9) When a vessel is removed from being marine documented, the owner shall provide:~~

~~(a) A copy of the removal letter from the United States Coast Guard, documentation office; or~~

~~(b) Documentation described in subsection (8) of this section; and~~

~~(c) If ownership is changing, approved releases of interest as described in this rule.)) (1) **How does an owner release interest in a vessel?** A vessel owner(s) or secured party who intends to release interest in a vessel shall:~~

~~(a) Sign the release of interest provided on the certificate of ownership; or~~

~~(b) Sign a release of interest document or form approved by the department.~~

~~(2) **What documentation may be used in lieu of a release of interest?** Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:~~

~~(a) Bill of sale;~~

~~(b) Affidavit in lieu of title with the release of interest portion properly completed;~~

~~(c) Release of interest form;~~

~~(d) Letter of release;~~

~~(e) Affidavit of repossession;~~

(f) Abandoned vessel reported on an abandoned vehicle report;

(g) Other documentation approved by the department.

(3) What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest? Secured parties who intend to release their interest in a vessel may provide one of the following if accompanied by the most recently issued certificate of ownership:

(a) Their properly completed official lien release form;

or

(b) A release of interest on its official letterhead, if the secured party is a business entity.

(4) How is the release of interest submitted on an electronically generated Washington certificate of ownership? If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(5) When do signatures releasing interest need to be notarized or certified? An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470.

(6) Are there situations when signatures would not need to be notarized or certified in order to release interest? Yes, the following are situations where notarization or certification is not required:

(a) A signature releasing interest on the certificate of ownership issued by the department or another jurisdiction;

(b) A signature releasing interest on an affidavit in lieu of title printed at a Washington paperless title institution's location;

(c) When there is a secured party and:

(i) The secured party is a business; and

(ii) Release of interest in a vessel is in accordance with subsection (2)(a) or (b) of this section; and

(iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(d) A release of interest or bill of sale from the registered owner when the vessel is from a jurisdiction which does not title this type of vessel;

(e) Dissolution of marriage if awarded through the court;

(f) Repossession;

(g) A release of interest or a bill of sale from a wrecker or insurance company; or

(h) If a valid marine document has been issued by or applied for from the United States Coast Guard documentation office.

(7) When is a registered owner's release of interest not required? A release of interest is not required when a registered owner is identified as a lessee or sublessee on an ownership document.

(8) What is required to release the interest of a secured party in a documented vessel registered in Washington? A United States Coast Guard abstract may be used

to release the interest of the secured party for a vessel registered in Washington.

(9) What documentation will be provided by the United States Coast Guard documentation office? The United States Coast Guard documentation office must provide the following documentation for secured parties who intend to release interest on a marine documented vessel:

(a) Their properly completed official lien release form;

or

(b) A release of interest on their official letterhead, if the secured party is a business entity;

(c) Provide a certified copy of the satisfaction of Preferred Marine Mortgage;

(d) Provide a certified copy of the document abstract from the United States Coast Guard documentation office showing the lien has been satisfied.

These documents are provided to the United States Coast Guard by the lien holder/secured party, seller, new owner, etc. Copies of these items may be requested from the United States Coast Guard for submission to the department when applying for certificate of ownership.

(10) What must the owner provide when a vessel is removed from being marine documented? The owner must provide:

(a) A copy of the removal letter from the United States Coast Guard documentation office; and

(b) Documentation described in subsection (9) of this section for removing lien holder/secured party; and

(c) If ownership is changing, approved releases of interest as described in this rule.

AMENDATORY SECTION (Amending WSR 98-09-023, filed 4/8/98, effective 5/9/98)

WAC 308-93-470 Certification of signatures. ~~((+))~~ Signatures shall be notarized by a notary public or certified by agents and subagents appointed by the director to conduct vessel title and registration activities on behalf of the department. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. These employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vessel title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vessel dealer activities; and

(b) Persons named on a Washington vessel dealer's bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the signature, title, and dealer number of the person certifying the signature.

PROPOSED

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 [Filed June 7, 2000, 9:37 a.m.]

~~(2) The person certifying the signatures shall require proof of identification. Approved identification is:~~

- ~~(a) Driver's license; or~~
- ~~(b) Any photo identification card; or~~
- ~~(c) Any two of the following:~~
 - ~~(i) A nationally or regionally recognized credit card (signed);~~
 - ~~(ii) A signed ID card issued by a city, county, state or federal government agency;~~
 - ~~(iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or~~
- ~~(d) Other documentation satisfactory to the person certifying the signature.)~~

(1) Who may certify or notarize vessel certificate of ownership and registration activities on behalf of the department? Signatures shall be notarized by a notary public or certified by agents and subagents appointed by the director. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

- (a) Employees authorized by the director to certify signatures. The employees are:
 - (i) Deputy director; and
 - (ii) Assistant director for vehicle services; and
 - (iii) Administrator and managers of the division primarily responsible for vessel title and registration; and
 - (iv) Persons assigned to liaison duties between the department and its agents and subagents; and
 - (v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and
 - (vi) Persons assigned the responsibility for investigating vessel dealer activities.
- (b) Persons named on a Washington vessel dealers bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) What proof of identification must be presented to the person certifying the signature(s)? The person certifying the signatures shall require proof of identification. Approved identification is:

- (a) Drivers license; or
- (b) Any photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) A signed ID card issued by a city, county, state or federal government agency;
 - (iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or
- (d) Other documentation satisfactory to the person certifying the signature.

Original Notice.

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

Title of Rule: Amend Regulation I, Sections 3.11 and 6.11 and Regulation III, Section 2.02.

Purpose: To adjust maximum civil penalty amount for inflation and to update delegation for federal NSPS and NESHAPs.

Other Identifying Information: Section 3.11 Civil Penalties, Section 6.11 New Source Performance Standards, and Section 2.02 National Emission Standards for Hazardous Air Pollutants.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: This proposal increases the maximum civil penalty amount for inflation and updates the delegation for federal NSPS and NESHAPs.

Reasons Supporting Proposal: The maximum civil penalty amount needs to be adjusted for inflation and the delegation for federal NSPS and NESHAPs needs to be updated.

Name of Agency Personnel Responsible for Drafting: Lynn Hughes, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4067; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would increase the maximum civil penalty amount for inflation, and would update the delegation for federal NSPS and NESHAPs.

Proposal Changes the Following Existing Rules: The maximum civil penalty amount would increase for inflation and the delegation for federal NSPS and NESHAPs will be updated.

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

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on July 13, 2000, at 9:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by July 6, 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 July 3, 2000.

Date of Intended Adoption: July 13, 2000.

June 6, 2000

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$12,718.00)~~) \$13,125.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than (~~(\$12,718.00)~~) \$13,125.00 for each day of continued noncompliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, (~~(+999)~~) 2000 herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, (~~(+999)~~) 2000 herein incorporated by reference.

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[Filed June 7, 2000, 9:51 a.m.]

Original Notice.

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

Title of Rule: Amend Regulation I, Sections 5.07 and 7.07.

Purpose: To replace the SIC code wording with the NAICS code wording; and to replace the year (1998) with the phrase "the previous calendar year."

Other Identifying Information: Section 5.07 Registration Fees and Section 7.07 Operating Permit Fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: This proposal will replace the SIC code wording with the NAICS code wording; and will add the phrase "the previous calendar year" in place of the numerical year.

Reasons Supporting Proposal: The United States Census Bureau and the Internal Revenue Service have begun to use NAICS rather than SIC codes. Use of the phrase "the previous calendar year" will mean that unless the fees change, there will be no need to update these regulations on an annual basis.

Name of Agency Personnel Responsible for Drafting: John Anderson, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4051; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will replace the standard industrial classification (SIC) code wording with the North American industry classification system (NAICS) code wording for the primary classification of the annual registration fees and the operating permit fees. There would be no change in fees nor any change in classification because of this revision.

This proposal also replaces the reference to calendar year "1998" with the phrase "the previous calendar year." This would provide consistency with the reporting requirements, and not require an annual regulation revision when fees are not adjusted.

Proposal does not change existing rules. These are technical changes, our rules will remain the same.

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

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on July 13, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by July 6, 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 July 3, 2000.

Date of Intended Adoption: July 13, 2000.

June 6, 2000

John K. Anderson

Senior Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION FEES

(a) The Agency shall levy annual fees as set forth in Section 5.07(c) below for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary Standard Industrial Classification (SIC) of the source:

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged an annual registration fee of \$1,000 plus an additional emission rate fee of:

\$15 for each ton of CO when the CO emissions are equal to or exceed 100 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of NO_x when the NO_x emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of PM₁₀ when the PM₁₀ emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of SO_x when the SO_x emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in ~~((1998))~~ the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in ~~((1998))~~ the previous calendar year.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged the annual registration fee of \$2,000 plus an additional emission rate fee of:

\$15 for each ton of CO when the CO emissions are equal to or exceed 200 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of NO_x when the NO_x emissions are equal to or exceed 50 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of PM₁₀ when the PM₁₀ emissions are equal to or exceed 50 tons in ((1998)) the previous calendar year, and

\$35 for each ton of SO_x when the SO_x emissions are equal to or exceed 50 tons in ((1998)) the previous calendar year, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 50 tons in ((1998)) the previous calendar year, and

\$35 for each ton of HAP when the facility total HAP emissions are equal to or exceed 12 tons in ((1998)) the previous calendar year or when any single individual HAP emissions are equal to or exceed 4 tons in ((1998)) the previous calendar year.

(3) Automobile body repair and painting (SIC = 7532, NAICS = 811121)

without EnviroStar rating of 4 or 5 stars \$250
with EnviroStar rating of 4 or 5 stars \$50

(4) Dry-cleaning plants, except rug cleaning (SIC = 7216, NAICS = 812322)

without refrigerated condenser \$500
with refrigerated condenser \$150

(5) Gasoline service stations with gasoline annual throughput during the last calendar year (as certified at the time of annual fee payment) of:

- (i) more than 1,200,000 gallons \$400
- (ii) 840,001 to 1,200,000 gallons in Kitsap County \$250
- (iii) 600,001 to 1,200,000 gallons in King, Pierce, or Snohomish County \$250
- (iv) 600,001 to 840,000 gallons in Kitsap County . \$150
- (v) 200,000 to 600,000 gallons \$150
- (vi) less than 200,000 gallons \$100

(6) Sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following ((~~Standard Industrial Classification (SIC) codes (Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, 1987) or~~) North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual, U.S. Executive Office of the President, Office of Management and Budget, 1997*) or Standard Industrial Classification (SIC) codes (Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, 1987)) shall be charged an annual registration fee of \$1,000:

((SIC	NAICS	SIC Description
1422	212312	Crushed and Broken Limestone
1429	212319	Crushed and Broken Stone
1442	212321	Construction Sand and Gravel
1446	212322	Industrial Sand
1611	23411	Highway and Street Construction
2035	311421	Pickled Fruits & Vegetables, Vegetable Sauces & Seasonings, and Salad Dressings
2077	311613	Animal and Marine Fats and Oils
2099	311999	Food Preparations
2491	321114	Wood Preserving
2834	325412	Pharmaceutical Preparations

2842	325612	Specialty Cleaning, Polishing, and Sanitation Preparations
2873	325311	Nitrogenous Fertilizers
2875	325314	Fertilizers, Mixing-Only
2893	32591	Printing Ink
2951	234110	Asphalt Paving Mixtures and Blocks
2952	324122	Asphalt Felts and Coatings
3061	326291	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods
3211	327211	Flat Glass
3241	32731	Cement, Hydraulic
3272	32739	Concrete Products, except Block and Brick
3273	32732	Ready-Mix Concrete
3275	32742	Gypsum Products
3291	32791	Abrasive Products
3292	327999	Asbestos Products
3295	327992	Minerals and Earths, Ground or Otherwise Treated
3299	327999	Nonmetallic Mineral Products
3312	331111	Steel Works, Blast Furnaces, and Rolling Mills
3315	331222	Steel Wiredrawing and Steel Nails and Spikes
3321	331511	Gray and Ductile Iron Foundries
3324	331512	Steel Investment Foundries
3325	331513	Steel Foundries
3334	331312	Primary Production of Aluminum
3341	331492	Secondary Smelting & Refining of Nonferrous Metals
3365	331524	Aluminum Foundries
3366	331525	Copper Foundries
3369	331528	Nonferrous Foundries, except Aluminum and Copper
3398	332811	Metal Heat Treating
3433	333414	Heating Equipment, except Electric and Warm-Air Furnaces
3471	332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
3479	332812	Coating, Engraving, and Allied Services
3599	333999	Industrial and Commercial Machinery & Equipment
3674	334413	Semiconductors and Related Devices
3679	334418	Electronic Components
3731	336611	Ship Building and Repairing
4013	48821	Railroad Switching and Terminal Establishments
4613	48691	Refined Petroleum Pipelines
4911	221122	Electric Services
4952	22132	Sewerage Systems, (Treatment Plants)
4953	562111	Refuse Systems
5153	42251	Grain and Field Beans
5169	42269	Chemicals and Allied Products
7694	335312	Armature Rewinding Shops
8063	62221	Psychiatric Hospitals
8069	62231	Specialty Hospitals, except Psychiatric
8611	81391	Business Associations))

NAICS	SIC	NAICS Description
212312	1422	Crushed and Broken Limestone Mining and Quarrying

PROPOSED

<u>212319</u>	<u>1429</u>	<u>Other Crushed and Broken Stone Mining and Quarrying</u>
<u>212321</u>	<u>1442</u>	<u>Construction Sand and Gravel Mining</u>
<u>212322</u>	<u>1446</u>	<u>Industrial Sand Mining</u>
<u>221122</u>	<u>4911</u>	<u>Electric Power Distribution</u>
<u>22132</u>	<u>4952</u>	<u>Sewage Treatment Facilities</u>
<u>23411</u>	<u>1611</u>	<u>Highway and Street Construction</u>
<u>311421</u>	<u>2035</u>	<u>Fruit and Vegetable Canning</u>
<u>311613</u>	<u>2077</u>	<u>Rendering and Meat Byproduct Processing</u>
<u>311999</u>	<u>2099</u>	<u>All Other Miscellaneous Food Manufacturing</u>
<u>321114</u>	<u>2491</u>	<u>Wood Preservation</u>
<u>324121</u>	<u>2951</u>	<u>Asphalt Paving Mixture and Block Manufacturing</u>
<u>324122</u>	<u>2952</u>	<u>Asphalt Shingle and Coating Materials Manufacturing</u>
<u>325311</u>	<u>2873</u>	<u>Nitrogenous Fertilizer Manufacturing</u>
<u>325314</u>	<u>2875</u>	<u>Fertilizer (Mixing Only) Manufacturing</u>
<u>325412</u>	<u>2834</u>	<u>Pharmaceutical Preparation Manufacturing</u>
<u>325612</u>	<u>2842</u>	<u>Polish and Other Sanitation Good Manufacturing</u>
<u>32591</u>	<u>2893</u>	<u>Printing Ink Manufacturing</u>
<u>326291</u>	<u>3061</u>	<u>Rubber Product Manufacturing for Mechanical Use</u>
<u>327211</u>	<u>3211</u>	<u>Flat Glass Manufacturing</u>
<u>32731</u>	<u>3241</u>	<u>Cement Manufacturing</u>
<u>32732</u>	<u>3273</u>	<u>Ready-Mix Concrete Manufacturing</u>
<u>32739</u>	<u>3272</u>	<u>Other Concrete Product Manufacturing</u>
<u>32742</u>	<u>3275</u>	<u>Gypsum Product Manufacturing</u>
<u>32791</u>	<u>3291</u>	<u>Abrasive Product Manufacturing</u>
<u>327992</u>	<u>3295</u>	<u>Ground or Treated Mineral and Earth Manufacturing</u>
<u>327999</u>	<u>3292</u>	<u>All Other Miscellaneous Nonmetallic Mineral Product Manufacturing</u>
<u>331111</u>	<u>3312</u>	<u>Iron and Steel Mills</u>
<u>331222</u>	<u>3315</u>	<u>Steel Wire Drawing</u>
<u>331312</u>	<u>3334</u>	<u>Primary Aluminum Production</u>
<u>331492</u>	<u>3341</u>	<u>Secondary Smelting, Refining and Alloying of Nonferrous Metal (except Copper and Aluminum)</u>
<u>331511</u>	<u>3321</u>	<u>Iron Foundries</u>
<u>331512</u>	<u>3324</u>	<u>Steel Investment Foundries</u>
<u>331513</u>	<u>3325</u>	<u>Steel Foundries (except Investment)</u>
<u>331524</u>	<u>3365</u>	<u>Aluminum Foundries (except Die-Casting)</u>
<u>331525</u>	<u>3366</u>	<u>Copper Foundries (except Die-Casting)</u>
<u>331528</u>	<u>3369</u>	<u>Other Nonferrous Foundries (except Die-Casting)</u>
<u>332811</u>	<u>3398</u>	<u>Metal Heat Treating</u>
<u>332812</u>	<u>3479</u>	<u>Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers</u>
<u>332813</u>	<u>3471</u>	<u>Electroplating, Plating, Polishing, Anodizing, and Coloring</u>
<u>333414</u>	<u>3433</u>	<u>Heating Equipment (except Warm Air Furnaces) Manufacturing</u>
<u>333999</u>	<u>3599</u>	<u>All Other Miscellaneous General Purpose Machinery Manufacturing</u>
<u>334413</u>	<u>3674</u>	<u>Semiconductor and Related Device Manufacturing</u>

<u>334418</u>	<u>3679</u>	<u>Printed Circuit Assembly (Electronic Assembly) Manufacturing</u>
<u>335312</u>	<u>7694</u>	<u>Motor and Generator Manufacturing</u>
<u>336611</u>	<u>3731</u>	<u>Ship Building and Repairing</u>
<u>42251</u>	<u>5153</u>	<u>Grain and Field Bean Wholesalers</u>
<u>42269</u>	<u>5169</u>	<u>Other Chemical and Allied Products Wholesalers</u>
<u>48691</u>	<u>4613</u>	<u>Pipeline Transportation of Refined Petroleum Products</u>
<u>48821</u>	<u>4013</u>	<u>Support Activities for Rail Transportation</u>
<u>562111</u>	<u>4953</u>	<u>Solid Waste Collection</u>
<u>62221</u>	<u>8063</u>	<u>Psychiatric and Substance Abuse Hospitals</u>
<u>62231</u>	<u>8069</u>	<u>Specialty (except Psychiatric and Substance Abuse) Hospitals</u>
<u>81391</u>	<u>8611</u>	<u>Business Associations</u>

(7) Other sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following ((Standard Industrial Classification (SIC) codes or) North American Industry Classification System (NAICS) codes or Standard Industrial Classification (SIC) codes shall be charged an annual registration fee of \$500:

<u>(SIC)</u>	<u>NAICS</u>	<u>SIC Description</u>
0711	115112	Soil Preparation Services
1459	212325	Clay, Ceramic, and Refractory Minerals
1521	23321	General Contractor—Single-Family Homes
1629	23499	Heavy Construction
1731	23531	Electrical Work
2013	311612	Sausages and Other Prepared Meat Products
2032	311422	Canned Specialties
2041	311211	Flour and Other Grain Mill Products
2045	311822	Prepared Flour Mixes and Doughs
2047	311111	Dog and Cat Food
2048	311119	Prepared Feeds & Feed Ingredients for Animals & Fowls, except Dogs & Cats
2052	311821	Cookies and Crackers
2082	31212	Malt Beverages
2086	312111	Bottled and Canned Soft Drinks and Carbonated Water
2091	311711	Canned and Cured Fish and Seafoods
2095	31192	Roasted Coffee
2096	311919	Potato Chips, Corn Chips, and Similar Snacks
2098	311823	Macaroni, Spaghetti, Vermicelli, and Noodles
2421	321113	Sawmills and Planing Mills
2426	321912	Hardwood Dimension and Flooring Mills
2429	321113	Special Product Sawmills
2431	32191	Millwork
2434	33711	Wood Kitchen Cabinets
2439	321213	Structural Wood Members
2441	32192	Nailed and Lock-Corner Wood Boxes and Shook
2448	32192	Wood Pallets and Skids
2452	321992	Prefabricated Wood Buildings and Components
2493	321219	Reconstituted Wood Products
2631	32213	Paperboard Mills
2652	322213	Setup Paperboard Boxes
2653	322211	Corrugated and Solid Fiber Boxes

PROPOSED

2657	322212	Folded Paperboard Boxes	4581	48819	Airports, Flying Fields, and Airport Terminal Services
2671	326112	Packaging Paper and Plastics Film, Coated and Laminated	4952	22132	Sewerage Systems, (Pump Stations)
2675	322231	Die-Cut Paper and Paperboard and Cardboard	4961	22133	Steam and Air-Conditioning Supply
2711	51111	Newspapers: Publishing, or Publishing and Printing	5032	42132	Brick, Stone, and Related Construction Materials
2721	51112	Periodicals: Publishing, or Publishing and Printing	5039	44419	Construction Materials
2731	51113	Books: Publishing, or Publishing and Printing	5051	42151	Metals Service Centers and Offices
2752	323110	Commercial Printing, Lithographic	5065	42169	Electronic Parts and Equipment
2759	32311	Commercial Printing	5093	42193	Scrap and Waste Materials
2819	325188	Industrial Inorganic Chemicals	5162	42261	Plastics Materials and Basic Forms and Shapes
2821	325211	Plastic Materials, Synthetic Resins, and Non-vulcanizable Elastomers	5171	42271	Petroleum Bulk Stations and Terminals
2851	32551	Paints, Varnishes, Lacquers, Enamels, and Allied Products	5172	422720	Petroleum & Petroleum Products Wholesalers, except Bulk Stations & Terminals
2869	325199	Industrial Organic Chemicals	5199	42299	Nondurable Goods
3089	326199	Plastics Products	5712	337122	Furniture Stores
3271	327331	Concrete Block and Brick	5984	454312	Liquefied Petroleum Gas Dealers
3441	332312	Fabricated Structural Metal	6513	53111	Operators of Apartment Buildings
3443	33242	Fabricated Plate Work	7218	812332	Industrial Launderers
3444	332322	Sheet Metal Work	7219	812331	Laundry and Garment Services
3446	332323	Architectural and Ornamental Metal Work	7261	81221,	Funeral Service and Crematories
3449	332312	Miscellaneous Structural Metal Work		81222	
3463	332112	Nonferrous Forgings	7374	51421	Computer Processing and Data Preparation and Processing Services
3469	332116	Metal Stampings	7534	326212	Tire Retreading and Repair Shops
3483	332993	Ammunition, except for Small Arms	8062	62211	General Medical and Surgical Hospitals
3496	332618	Miscellaneous Fabricated Wire Products	8221	61131	Colleges, Universities, and Professional Schools
3498	332996	Fabricated Pipe and Pipe Fittings	8331	62431	Job Training and Vocational Rehabilitation Services
3499	332999	Fabricated Metal Products	8422	712190	Arboreta and Botanical or Zoological Gardens
3545	333515	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices	8731	54171	Commercial Physical and Biological Research
3556	333294	Food Products Machinery	8744	56121	Facilities Support Management Services
3567	333994	Industrial Process Furnaces and Ovens	9221	922120	Police Protection
3571	334111	Electronic Computers	9223	92214	Correctional Institutions
3629	335999	Electrical Industrial Apparatus	9711	92811	National Security))
3639	335228	Household Appliances			
3648	335129	Lighting Equipment			
3663	33422	Radio & Television Broadcasting and Communications Equipment			
3672	334412	Printed Circuit Boards			
3691	335911	Storage Batteries			
3713	336211	Truck and Bus Bodies			
3721	336411	Aircraft			
3728	336413	Aircraft Parts and Auxiliary Equipment			
3743	33651	Railroad Equipment			
3823	334513	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products			
3873	334518	Watches, Clocks, Clockwork-Operated Devices, and Parts			
4173	48849	Terminal and Service Facilities for Motor Vehicle Passenger Transportation			
4212	48411	Local Trucking without Storage			
4222	49312	Refrigerated Warehousing and Storage			
4491	48832	Marine Cargo Handling			
4492	48833	Towing and Tugboat Services			
4512	481111	Air Transportation, Scheduled			

NAICS	SIC	NAICS Description
115112	0711	Soil Preparation, Planting, and Cultivating
212325	1459	Clay and Ceramic and Refractory Minerals Mining
22132	4952	Sewage Treatment Facilities
22133	4961	Steam and Air-Conditioning Supply
23321	1521	Single-Family Housing Construction
23499	1629	All Other Heavy Construction
23531	1731	Electrical Contractors
311111	2047	Dog and Cat Food Manufacturing
311119	2048	Other Animal Food Manufacturing
311211	2041	Flour Milling
311422	2032	Specialty Canning
311612	2013	Meat Processed from Carcasses
311711	2091	Seafood Canning
311821	2052	Cookie and Cracker Manufacturing
311822	2045	Flour Mixes and Dough Manufacturing from Purchased Flour
311823	2098	Dry Pasta Manufacturing
311919	2096	Other Snack Food Manufacturing
31192	2095	Coffee and Tea Manufacturing

PROPOSED

<u>312111</u>	<u>2086</u>	<u>Soft Drink Manufacturing</u>	<u>335129</u>	<u>3648</u>	<u>Other Lighting Equipment Manufacturing</u>
<u>31212</u>	<u>2082</u>	<u>Breweries</u>	<u>335228</u>	<u>3639</u>	<u>Other Major Household Appliance Manufacturing</u>
<u>321113</u>	<u>2421</u>	<u>Sawmills</u>			
	<u>2429</u>		<u>335911</u>	<u>3691</u>	<u>Storage Battery Manufacturing</u>
<u>321213</u>	<u>2439</u>	<u>Engineered Wood Member (except Truss) Manufacturing</u>	<u>335999</u>	<u>3629</u>	<u>All Other Miscellaneous Electrical Equipment and Component Manufacturing</u>
<u>321219</u>	<u>2493</u>	<u>Reconstituted Wood Product Manufacturing</u>	<u>336211</u>	<u>3713</u>	<u>Motor Vehicle Body Manufacturing</u>
<u>32191</u>	<u>2431</u>	<u>Millwork</u>	<u>336411</u>	<u>3721</u>	<u>Aircraft Manufacturing</u>
<u>321912</u>	<u>2426</u>	<u>Cut Stock, Resawing Lumber, and Planing</u>	<u>336413</u>	<u>3728</u>	<u>Other Aircraft Parts and Auxiliary Equipment Manufacturing</u>
<u>32192</u>	<u>2441</u>	<u>Wood Container and Pallet Manufacturing</u>			
	<u>2448</u>		<u>33651</u>	<u>3743</u>	<u>Railroad Rolling Stock Manufacturing</u>
<u>321992</u>	<u>2452</u>	<u>Prefabricated Wood Building Manufacturing</u>	<u>33711</u>	<u>2434</u>	<u>Wood Kitchen Cabinet and Countertop Manufacturing</u>
<u>32213</u>	<u>2631</u>	<u>Paperboard Mills</u>			
<u>322211</u>	<u>2653</u>	<u>Corrugated and Solid Fiber Box Manufacturing</u>	<u>337122</u>	<u>5712</u>	<u>Nonupholstered Wood Household Furniture Manufacturing</u>
<u>322212</u>	<u>2657</u>	<u>Folding Paperboard Box Manufacturing</u>			
<u>322213</u>	<u>2652</u>	<u>Setup Paperboard Box Manufacturing</u>	<u>42132</u>	<u>5032</u>	<u>Brick, Stone, and Related Construction Material Wholesalers</u>
<u>322231</u>	<u>2675</u>	<u>Die-Cut Paper and Paperboard Office Supplies Manufacturing</u>	<u>42151</u>	<u>5051</u>	<u>Metal Service Centers and Offices</u>
<u>32311</u>	<u>2759</u>	<u>Printing</u>	<u>42169</u>	<u>5065</u>	<u>Other Electronic Parts and Equipment Wholesalers</u>
<u>323110</u>	<u>2752</u>	<u>Commercial Lithographic Printing</u>			
<u>325188</u>	<u>2819</u>	<u>All Other Basic Inorganic Chemical Manufacturing</u>	<u>42193</u>	<u>5093</u>	<u>Recyclable Material Wholesalers</u>
			<u>42261</u>	<u>5162</u>	<u>Plastics Materials and Basic Forms and Shapes Wholesalers</u>
<u>325199</u>	<u>2869</u>	<u>All Other Basic Organic Chemical Manufacturing</u>			
			<u>42271</u>	<u>5171</u>	<u>Petroleum Bulk Stations and Terminals</u>
<u>325211</u>	<u>2821</u>	<u>Plastics Material and Resin Manufacturing</u>	<u>422720</u>	<u>5172</u>	<u>Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)</u>
<u>32551</u>	<u>2851</u>	<u>Paint and Coating Manufacturing</u>			
<u>326112</u>	<u>2671</u>	<u>Unsupported Plastics Packaging Film and Sheet Manufacturing</u>	<u>42299</u>	<u>5199</u>	<u>Other Miscellaneous Nondurable Goods Wholesalers</u>
<u>326199</u>	<u>3089</u>	<u>All Other Plastics Product Manufacturing</u>	<u>44419</u>	<u>5039</u>	<u>Other Building Material Dealers</u>
<u>326212</u>	<u>7534</u>	<u>Tire Retreading</u>	<u>454312</u>	<u>5984</u>	<u>Liquefied Petroleum Gas (Bottled Gas) Dealers</u>
<u>327331</u>	<u>3271</u>	<u>Concrete Block and Brick Manufacturing</u>	<u>481111</u>	<u>4512</u>	<u>Scheduled Passenger Air Transportation</u>
<u>332112</u>	<u>3463</u>	<u>Nonferrous Forging</u>	<u>48411</u>	<u>4212</u>	<u>General Freight Trucking, Local</u>
<u>332116</u>	<u>3469</u>	<u>Metal Stamping</u>	<u>48819</u>	<u>4581</u>	<u>Other Support Activities for Air Transportation</u>
<u>332312</u>	<u>3441</u>	<u>Fabricated Structural Metal Manufacturing</u>	<u>48832</u>	<u>4491</u>	<u>Marine Cargo Handling</u>
	<u>3449</u>		<u>48833</u>	<u>4492</u>	<u>Navigational Services to Shipping</u>
<u>332322</u>	<u>3444</u>	<u>Sheet Metal Work Manufacturing</u>	<u>48849</u>	<u>4173</u>	<u>Other Support Activities for Road Transportation</u>
<u>332323</u>	<u>3446</u>	<u>Ornamental and Architectural Metal Work Manufacturing</u>			
			<u>49312</u>	<u>4222</u>	<u>Refrigerated Warehousing and Storage</u>
<u>33242</u>	<u>3443</u>	<u>Metal Tank (Heavy Gauge) Manufacturing</u>	<u>51111</u>	<u>2711</u>	<u>Newspaper Publishers</u>
<u>332618</u>	<u>3496</u>	<u>Other Fabricated Wire Product Manufacturing</u>	<u>51112</u>	<u>2721</u>	<u>Periodical Publishers</u>
<u>332993</u>	<u>3483</u>	<u>Ammunition (except Small Arms) Manufacturing</u>	<u>51113</u>	<u>2731</u>	<u>Book Publishers</u>
			<u>51421</u>	<u>7374</u>	<u>Data Processing Services</u>
<u>332996</u>	<u>3498</u>	<u>Fabricated Pipe and Pipe Fitting Manufacturing</u>	<u>53111</u>	<u>6513</u>	<u>Lessors of Residential Buildings and Dwellings</u>
<u>332999</u>	<u>3499</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>	<u>54171</u>	<u>8731</u>	<u>Research and Development in the Physical, Engineering, and Life Sciences</u>
<u>333294</u>	<u>3556</u>	<u>Food Product Machinery Manufacturing</u>	<u>56121</u>	<u>8744</u>	<u>Facilities Support Services</u>
<u>333515</u>	<u>3545</u>	<u>Cutting Tool and Machine Tool Accessory Manufacturing</u>	<u>61131</u>	<u>8221</u>	<u>Colleges, Universities, and Professional Schools</u>
<u>333994</u>	<u>3567</u>	<u>Industrial Process Furnace and Oven Manufacturing</u>	<u>62211</u>	<u>8062</u>	<u>General Medical and Surgical Hospitals</u>
			<u>62431</u>	<u>8331</u>	<u>Vocational Rehabilitation Services</u>
<u>334111</u>	<u>3571</u>	<u>Electronic Computer Manufacturing</u>	<u>712190</u>	<u>8422</u>	<u>Nature Parks and Other Similar Institutions</u>
<u>33422</u>	<u>3663</u>	<u>Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing</u>	<u>81221</u>	<u>7261</u>	<u>Funeral Homes and Funeral Services</u>
			<u>81222</u>	<u>7261</u>	<u>Cemeteries and Crematories</u>
<u>334412</u>	<u>3672</u>	<u>Bare Printed Circuit Board Manufacturing</u>	<u>812331</u>	<u>7219</u>	<u>Linen Supply</u>
<u>334513</u>	<u>3823</u>	<u>Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables</u>	<u>812332</u>	<u>7218</u>	<u>Industrial Launderers</u>
			<u>922120</u>	<u>9221</u>	<u>Police Protection</u>
			<u>92214</u>	<u>9223</u>	<u>Correctional Institutions</u>
<u>334518</u>	<u>3873</u>	<u>Watch, Clock, and Part Manufacturing</u>	<u>92811</u>	<u>9711</u>	<u>National Security</u>

PROPOSED

(8) All other sources, not listed above in Sections (1) through (7), requiring registration under Section 5.03, shall be charged an annual registration fee of \$250.

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall levy annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(1) Facility Fees:

(i) Operating permit sources with the following ~~((Standard Industrial Classification (SIC) codes or))~~ North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual, U.S. Executive Office of the President, Office of Management and Budget, 1997*) or Standard Industrial Classification (SIC) codes:

((SIC))	NAICS	SIC	((SIC)) NAICS Description
((2944))	32411	2911	Petroleum ((Refining)) Refineries
((3244))	32731	3241	Cement ((Hydraulic)) <u>Manufacturing</u>
((3342))	331111	3312	((Steel Works, Blast Furnaces, and Rolling Mills)) <u>Iron and Steel Mills</u>
((3724))	336411	3721	Aircraft <u>Manufacturing</u>
((3728))	336413	3728	<u>Other Aircraft Parts and Auxiliary Equipment Manufacturing</u>
((9744))	92811	9711	National Security

.....\$21,000

(ii) Operating permit sources with the following ~~((SIC))~~NAICS/SIC codes:

((SIC))	NAICS	SIC	((SIC)) NAICS Description
((4724))	23521	1721	Painting and ((Paper Hanging)) <u>Wall Covering Contractors</u>
((2054))	311812	2051	((Bread and other Bakery Products, except Cookies and Crackers)) <u>Commercial Bakeries</u>
	321114	2491	<u>Wood Preservation</u>
((2434))	32191	2431	Millwork
((2434))	33744		Wood Kitchen Cabinets))
((2494))	321114		Wood Preserving))
((2499))	321999	2499	<u>All Other Miscellaneous Wood Product(s) Manufacturing</u>
((2672))	322222	2672	Coated and Laminated Paper <u>Manufacturing</u>
((3086))	32614,	32615	Plastics Foam Products))
	32614	3086	<u>Polystyrene Foam Product Manufacturing</u>
	32615	3086	<u>Urethane and Other Foam Product (except Polystyrene) Manufacturing</u>
((3254))	327121	3251	Brick and Structural Clay Tile <u>Manufacturing</u>

((3443))	332313	3443	((Fabricated)) Plate Work <u>Manufacturing</u>
((3498))	332996	3498	Fabricated Pipe and Pipe Fitting ((s)) <u>Manufacturing</u>
((3585))	333415	3585	Air-Conditioning and Warm ((-)) Air Heating Equipment ((t)) and Commercial and Industrial Refrigeration Equipment <u>Manufacturing</u>
	33711	2434	<u>Wood Kitchen Cabinet and Countertop Manufacturing</u>
((7644))	81142	7641	Reupholstery and Furniture Repair

.....\$3,500

(iii) Operating permit sources with ~~((SIC))~~NAICS/SIC codes

other than listed above\$7,000

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

\$15 for each ton of CO when the CO emissions are equal to or exceed 100 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of PM₁₀ when the PM₁₀ emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in ~~((1998))~~ the previous calendar year, and

\$35 for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in ~~((1998))~~ the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in ~~((1998))~~ the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, levy the following fees:

(1) for the issuance, reissuance, or renewal of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$5,000.00, and

(2) to cover the cost of public involvement under WAC 173-401-800, and

(3) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

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.

PROPOSED

WSR 00-12-097
PROPOSED RULES
GAMBLING COMMISSION

[Filed June 7, 2000, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-09-021 with a published date of May 3, 2000.

Title of Rule: Fund-raising events, WAC 230-02-504, 230-25-030 (two alternatives), 230-25-040, 230-25-070, 230-25-100, 230-25-110, 230-25-120 (two alternatives), 230-25-150, 230-25-200, 230-25-220, 230-25-310, 230-25-315, and 230-25-325 (two alternatives).

Purpose: During the 2000 session, legislation was passed amending RCW 9.46.0233 to allow charitable and nonprofit organizations to conduct a limited form of FRE. Organizations offering *limited* FREs, will now be able to hire employees of a FRE equipment distributor to work gaming stations at FRE events. Furthermore, no cash, only merchandise prizes, can be given away at *limited* FREs. This rules package sets forth the regulatory and licensing requirements for charitable and nonprofit organizations, and the FRE equipment distributors who offer *limited* FREs.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

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

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above. Furthermore, three of the rules in this package have been filed with two alternatives for the commission to choose from. These are as follows:

WAC 230-25-030:

Alternative #1, currently, FRE licensees must return money earned in excess of the ten thousand dollar annual net receipts limit to players as prizes. New language was added to this rule requiring licensees conducting *limited* FREs to give these excess funds to another charitable organization, rather than return it to players.

Alternative #2, this alternative would require money earned in excess of the net receipts limit from *all* FREs to be distributed only to another charitable organization, rather than returned to players as prizes at certain FREs.

WAC 230-25-120:

Alternative #1, this rule imposes specific expenditure limits charitable and nonprofit organizations can spend on each aspect of the FRE.

Alternative #2, this alternative removes the specific dollar limits these organizations can spend when conducting FREs and states that the expenditure transactions must be commercially reasonable as established in the competitive market.

WAC 230-25-325:

Alternative #1, this rule version limits the number of member guests that are able to attend a *limited* FRE to 25% of total participants.

Alternative #2, this alternative removes the limitation on the percentage of member guests that can attend a *limited* FRE.

Proposal Changes the Following Existing Rules: See Purpose above.

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

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

Hearing Location: West Coast Bellevue Hotel, 625 116th Avenue N.E., Bellevue, WA 98004, (425) 455-9444, on July 14, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 1, 2000, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, Washington 98504-2400, fax (360) 438-8652, by July 1, 2000.

Date of Intended Adoption: July 14, 2000.

June 7, 2000

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-02-504 Fund-raising event defined. "Fund-raising event" as set forth in RCW 9.46.0233, is an event conducted by a charitable or nonprofit organization to raise money for the organization's stated goals and purposes. During these limited duration events, bingo, amusement games, contests of chance, lotteries, and raffles may be conducted.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-25-030 Fund-raising event—Ten thousand dollars annual net receipts maximum. (1) ~~((No licensee authorized to conduct))~~ The annual net receipts an organization shall earn conducting fund-raising events (FREs) must not exceed ten thousand dollars. Licensees must ensure the net receipts limit is not exceeded. Net receipts are calculated by subtracting money used to purchase prizes and pay-out cash prizes, from all wagers and bets received. This limitation applies to licensees conducting:

(a) One ~~((fund-raising event))~~ FRE for a period of seventy-two consecutive hours once during a calendar year ~~((shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as win-~~

PROPOSED

nings, to exceed ten thousand dollars at the conclusion of such fund-raising event.

(2) ~~No licensee authorized to conduct a fund-raising event on); or~~

(b) ~~Two FRE occasions during a calendar year ((for not more than)). Each event shall not exceed twenty-four consecutive hours ((each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed ten thousand dollars either at the end of any twenty-four consecutive hours upon which such event is conducted, or during the calendar year in which such activity is authorized)).~~

Limited FREs may deduct cost of equipment rental.

(2) Licensees conducting limited FREs (see WAC 230-25-325) may also deduct the cost of equipment rental from their gross receipts (all wagers and bets received) when calculating the ten thousand dollar annual net receipts maximum.

Distribution of excess net receipts.

(3) ~~((The)) Licensees conducting FREs shall ((develop and post)) conspicuously ((and in detail)) post in the FRE gambling area ((in which the gambling is taking place)) a detailed scheme for the distribution ((to the participants)) of any ((receipts beyond those permitted to the organization by this rule, and shall offer)) money earned in excess of the ten thousand dollar annual net receipts limit. The scheme may offer money in excess of what is necessary to ensure that the licensee will not go over the annual net receipts limit. Excess net receipts must be distributed by check within thirty calendar days following the FRE. An FRE must provide all participants at the event an equal opportunity to participate in ((such)) the distribution scheme((- The scheme must provide for such distribution to be money, payable to the winner by a check. The scheme may provide for such distribution to be of more money than is necessary to ensure that the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded.~~

(4) ~~Winners of all prizes shall be determined during the fund-raising event. All cash prizes shall be paid by check, and merchandise prizes distributed to the winners not later than 30 calendar days following the conclusion of the event)) and winners must be chosen during the FRE: Provided, That limited FREs (see WAC 230-25-325) must distribute excess net receipts to another charitable or nonprofit organization licensed by the commission, rather than to FRE participants. The money must be distributed by check within thirty calendar days following the FRE.~~

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-25-030 Fund-raising event—Ten thousand dollars annual net receipts maximum. (1) ((No licensee authorized to conduct)) The annual net receipts an organization shall earn conducting fund-raising events

(FREs) must not exceed ten thousand dollars. Licensees must ensure the net receipts limit is not exceeded. Net receipts are calculated by subtracting money used to purchase prizes and pay-out cash prizes, from all wagers and bets received. This limitation applies to licensees conducting:

(a) ~~One ((fund-raising event)) FRE for a period of seventy-two consecutive hours once during a calendar year ((shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed ten thousand dollars at the conclusion of such fund-raising event.~~

(2) ~~No licensee authorized to conduct a fund-raising event on); or~~

(b) ~~Two FRE occasions during a calendar year ((for not more than)). Each event shall not exceed twenty-four consecutive hours ((each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed ten thousand dollars either at the end of any twenty-four consecutive hours upon which such event is conducted, or during the calendar year in which such activity is authorized)).~~

Limited FREs may deduct cost of equipment rental.

(2) Licensees conducting limited FREs (see WAC 230-25-325) may also deduct the cost of equipment rental from their gross receipts (all wagers and bets received) when calculating the ten thousand dollar annual net receipts maximum.

Distribution of excess net receipts.

(3) Licensees conducting FREs must distribute excess net receipts to another charitable or nonprofit organization licensed by the commission. The money must be distributed by check within thirty calendar days following the FRE. The licensee shall ~~((develop and post)) conspicuously ((and in detail)) post in the FRE gambling area ((in which the gambling is taking place a scheme for the distribution to the participants of any receipts beyond those permitted to the organization by this rule, and shall offer all participants at the event an equal opportunity to participate in such scheme. The scheme must provide for such distribution to be money, payable to the winner by a check. The scheme may provide for such distribution to be of more money than is necessary to ensure that the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded.~~

(4) Winners of all prizes shall be determined during the fund-raising event. All cash prizes shall be paid by check, and merchandise prizes distributed to the winners not later than 30 calendar days following the conclusion of the event)) money earned in excess of the ten thousand dollar annual net receipts limit. The licensee may offer money in excess of what is necessary to ensure that the licensee will not go over the annual net receipts limit.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-07-077, filed 3/19/96, effective 7/1/96)

WAC 230-25-040 Fund-raising event—House rules to be developed and posted—Limitations on wagers. (1) Before conducting a fund-raising event (FRE), each licensee shall develop ~~((a set of))~~ house rules ~~((which will))~~ to govern the ~~((type,))~~ scope and manner of all gambling activities to be conducted ~~((in conjunction with))~~ during the ~~((fund-raising event))~~ FRE. ~~((Among other information))~~ At a minimum, these rules shall ~~((establish))~~;

(a) State the maximum amount of a single wager(s) that may be placed by ~~((persons participating in gambling activities that in any event))~~ FRE participants.

(i) Single wagers shall not exceed ten dollars ~~((being wagered upon the outcome of any one operation of an element of chance, except for))~~;

(ii) Raffles or other similar drawings ~~((, as set forth in RCW 9.46.0277))~~ may exceed the ten dollar wagering limit ~~((see RCW 9.46.0277))~~; and

(iii) There are no limits on wagers made using scrip. ~~((In addition, the rules shall))~~ (b) Prohibit ~~((the giving of))~~ any thing of value from being given to any person involved in the management or operation of the ~~((fund-raising event,))~~ FRE; and

(c) Prohibit any person involved in the management or operation of the ~~((fund-raising event))~~ FRE from accepting any thing of value.

Posting house rules.

(2) A copy of the rules shall be ~~((posted))~~ conspicuously ~~((on the premises))~~ posted in the area where the ~~((fund-raising event))~~ FRE is being conducted at all times during the ~~((fund-raising event, and))~~ FRE. A copy ~~((thereof shall))~~ must be ~~((made))~~ available, upon request, to any law enforcement officer or representative of the commission.

AMENDATORY SECTION (Amending WSR 95-12-051, filed 6/2/95, effective 7/3/95)

WAC 230-25-070 Fund-raising events—Central accounting system required. ~~((Each))~~ Licensees ~~((for the operation of))~~ conducting fund-raising events (FREs) shall establish and maintain a central accounting system in a form prescribed by the commission for all activities conducted at the ~~((fund-raising event))~~ FRE. Licensees shall obtain accounting forms from the commission, or use machine copies of such forms.

Components of the central accounting system.

~~((Such))~~ (1) The central accounting system shall contain, but not be limited to, the following items:

Personnel.

~~((There shall be))~~ (a) Adequate personnel and physical areas to provide for the following minimum separation of duties:

~~((a))~~ (i) A banker, cashier, or count room to handle the original bankroll, provide coin or chips to the games, redeem chips and cash checks for the players;

~~((b))~~ (ii) A runner to transport money, chips and lock boxes between stations of the event;

~~((c))~~ (iii) Pit bosses, each of whom shall supervise the operation of not more than six gambling stations and who shall supervise the transfer of lock boxes and chips/change trays to the count room~~((s))~~;

Procedures for securing, handling and counting money.

~~((d))~~ (b) An area for the counting of money which is segregated from the area ~~((in which))~~ gambling is conducted. All money received in connection with the ~~((fund-raising event))~~ FRE shall be brought to this area for counting. Once any such money has been brought to this area, three persons shall be assigned to the count area with a minimum of two in the counting area at all times.

~~((2))~~ (c) The beginning bankroll shall be verified by at least two persons who shall sign such verification.

~~((3))~~ (d) There shall be documentation containing verifying signatures for the transfer of money between any two stations of the event.

~~((a))~~ (i) All count/fill slips shall be used sequentially. VOIDED count/fill slips will be signed by two persons and retained with accounting records.

~~((b))~~ (ii) ALL UNUSED count/fill slips shall be retained along with all other count/fill slips as part of that ~~((fund-raising event's))~~ FRE's accounting records.

~~((4))~~ (e) All games shall be numbered and provided with lock boxes and money paddles. The money paddle shall remain in the lock box slot whenever it is not in use. The money slot of the lock box shall not exceed three and one-half inches in length and one-half inch in width.

~~((5))~~ (f) The keys to all lock boxes are to be kept in the count room at all times and the lock boxes are to be opened only in the count room by the count room personnel.

~~((6))~~ (g) All games are to be played using coin or chips and all currency tendered by the players shall be exchanged for coin or chips and immediately placed in the lock box by the dealer.

~~((7))~~ (h) All money and chips shall be transferred to the count room at the end of the day or event for final tabulation, reconciliation, and verification.

~~((8))~~ (i) The final tabulation and reconciliation shall be verified by at least three count room personnel who shall sign such verification.

~~((9))~~ (j) Access to the count room and the bankers and cashier's areas shall be restricted to the persons assigned to those functions and to the runner(s) who transport money or chips to or from those stations.

~~((10))~~ (k) Records shall provide sufficient detail to determine the net receipts of each activity conducted.

~~((11))~~ (l) The records shall contain a reconciliation of the ending cash on hand to net receipts.

~~((12))~~ (m) The ending cash on hand shall be deposited intact within two banking days of the conclusion of the event, and a validated deposit slip shall be included as part of the event records. There shall be no expenditure of any kind

made from the ending cash prior to deposit. However, this subsection shall not prohibit a licensee from exchanging its ending currency and coin for a check of equal value to reduce the risk and exposure of carrying or storing large amounts of money.

Accounting system for limited FREs.

(2) This section shall not apply to ~~((those licensees whose receipts from the fund-raising event are limited to an admission charge or charge for a ticket, or tickets, to a drawing and who~~

~~(a) Conduct all activities with scrip, play money, or similar items which are redeemable only for merchandise prizes; and~~

~~(b) Who award only merchandise prizes that have been purchased by or donated to the licensee.~~

~~These licensees need only) limited FRE licensees (see WAC 230-25-325). These licensees shall comply with WAC 230-08-010 and ((record their net receipts in sufficient detail to verify these amounts)) must also provide details regarding how much of the admission fees from the FRE are allocated to gambling scrip and how much is allocated to other FRE expenses.~~

AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-100 Fund-raising event((s))—Leasing of commercial business premises ((of retail business))—Conditions. (1) Fund-raising events (FREs) shall not be operated ~~((upon a premises part of a retail sales or service))~~ within a commercial business catering to the public except when:

~~((1)) (a) The room or other portion of the premises in which the ((fund-raising event)) FRE is being conducted is separate and apart from the portion being used for the ((retail sales or service)) commercial business;~~

~~((2)) (b) The commercial business is closed to the public at all times during which the ((fund-raising event)) FRE is conducted on the premises; or~~

~~((3)) (c) The ((fund-raising event)) FRE is being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.~~

(2) No licensee shall conduct a ~~((fund-raising event))~~ FRE on or within any portion of a ~~((retail premise))~~ commercial business during the period any other ~~((fund-raising event))~~ FRE is being conducted on or within any portion of that retail premise.

(3) For limited FREs (see WAC 230-25-325), the FRE equipment distributor must not provide the facility or be otherwise compensated by the facility where the limited FRE is conducted.

Separate and apart defined.

(4) As used in this rule, separate and apart means a permanent or temporary partition which provides a solid, distinct separation between the portion of the room or premises ~~((in which))~~ the ~~((fund-raising event))~~ FRE is being conducted

and the portion of the room or premises being used for the ~~((retail sales or service))~~ commercial business ~~((and which))~~. This partition must limit~~((s))~~ the flow of pedestrians between the ~~((fund-raising event))~~ FRE and the ~~((retail sales or service))~~ commercial business to not more than two designated openings.

FRE operator to control premises - exception for liquor.

~~((In all cases)) (5) The ((fund-raising event)) FRE operator must have, and exercise, complete control over ((that)) the portion of the premises being used for the ((fund-raising event)) FRE, at all times ((said)) the event is being conducted: Provided, ((however,)) That ((at all times)) when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the ((responsibility)) liquor licensee or permittee shall be responsible for compliance with liquor laws and regulations ((shall also be that of the liquor licensee or permittee)).~~

Commercial business employers shall not participate in FRE.

(6) The owner, manager or any employee of the ~~((retail sales or service establishment may))~~ commercial business shall not be an officer of the ~~((fund-raising event))~~ FRE operator or participate in the operation of the ~~((fund-raising event))~~ FRE on that premises ~~((, and no gambling activities, nor any))~~. No part ~~((or facet))~~ of the operation or play of any gambling activity ~~((, may))~~ shall be conducted by the ~~((retail sales or service establishment or allowed by the operators of the fund-raising event in any portion of the premises which is being used for the fund-raising event))~~ commercial business. The FRE operator shall be responsible for ensuring the commercial business does not participate in any of the FRE activities.

AMENDATORY SECTION (Amending Order 224, filed 7/17/91, effective 8/17/91)

WAC 230-25-110 Fund-raising event—((Use of)) Equipment use, lease or rental from licensee only. (1) Fund-raising event (FRE) licensees must:

(a) Only purchase or rent gambling equipment from a licensed distributor or another FRE licensee; and

(b) Ensure the equipment it owns is only used during the operation of licensed FREs, or other authorized gambling activities it may offer.

Equipment transfers by FRE licensees.

(2) A FRE licensee may sell, loan or rent equipment acquired for its own FRE to another FRE licensee(s) for up to four events per year without being licensed as a FRE equipment distributor. The transfers must take place within the twelve calendar month period following the conduct of a licensed FRE.

Equipment transfers by distributors.

(3) Only ~~((these))~~ persons holding a valid license to sell or distribute punch boards, pull-tabs, ~~((or))~~ pull-tab dispensing devices, and/or ~~((fund-raising event))~~ FRE equipment

~~((shall be)) are authorized to sell or lease gaming equipment to ((bona fide nonprofit or charitable organizations licensed to conduct fund-raising events)) FRE licensees for use ((in connection with)) during a licensed ((fund-raising event)) FRE.~~

Distributor responsibilities.

~~(4) All ((rules and regulations of the)) commission rules relating to the sale or distribution of punch boards, pull-tabs, or pull-tab dispensing devices by ((such)) distributors((-)) shall be ((likewise)) applicable to the sale or rental ((by them)) of gaming equipment and pull-tabs ((for use)) used in a licensed ((fund-raising event)) FRE, except ((to the extent)) when such rules are inconsistent with the provisions of this section((- Provided, commission approval of such gaming)).~~

Identification stamps not required.

~~(5) FRE gambling equipment ((shall not be required, nor shall)) does not require commission approval or identification stamps ((be required for such equipment: Provided further, a licensee to conduct fund-raising events may sell, loan or rent equipment acquired for its own fund-raising event to another such licensee(s) for up to four events per year without being licensed as a distributor of fund-raising event equipment)).~~

Price limit on sale and rental of FRE equipment.

~~(6) No sale or rental of gaming equipment for use in a licensed ((fund-raising event)) FRE shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the ((fund-raising event)) FRE: Provided, That licensees conducting limited fund-raising events (see WAC 230-25-325) are subject to the limits set forth in WAC 230-25-120.~~

~~((No licensee to conduct fund-raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.~~

~~Any bona fide charitable or nonprofit organization licensed to conduct fund-raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund-raising events.~~

~~No licensee to conduct fund-raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund-raising events, or other authorized gambling activities by the licensee: Provided, however, That the licensee may, within the twelve calendar month period following the conduct of the fund-raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund-raising event.)~~

AMENDATORY SECTION (Amending Order 218, filed 11/26/90, effective 12/27/90)

WAC 230-25-120 Expenditure limits ~~((upon amount for rent, lease or similar payments)) for fund-raising events. ((Licensees shall not expend for rent or lease (or similar arrangements) of premises in which to hold a fund-raising event, or for any equipment or service in connection with the fund-raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.~~

Maximum rental limits shall be:

~~(1) Premises and other goods or services: Not more than two hundred dollars for all, or any portion, of any twenty-four hour period.~~

~~This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: Provided, That the limit shall not include (a) fees for gambling equipment which are governed by the maximums set out in (2) below; or (b) charges for food or drink to the licensee or patrons of the fund-raising event when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.~~

~~(2) Gambling devices and equipment:~~

~~(a) Not more than four hundred dollars from each licensee for all, or any portion of, the first twenty-four hour period for all gambling devices and related equipment to conduct the event, including, but not limited to, cards, dice, cash boxes, shoes, chips, noneoin-operated pull-tab dispensing devices, pull-tab scales, delivery thereof and any schooling in its use. This limitation shall not apply to the sale of pull-tabs or the rental of a bingo horse racing device.~~

~~(b) Not more than two hundred and twenty-five dollars from each licensee for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.~~

~~(3) Individual gambling station:~~

~~(a) Not more than thirty dollars for all of the equipment needed to set up each single specific gambling station (such as a single twenty-one table), except for a craps table or a roulette wheel station which shall not exceed \$55 or for a station showing horse racing films with advance betting on the outcome of the races which shall not exceed \$250, or each station facilitating the operation of an electronic horse racing game, with advance betting on the outcome of the races which, shall not exceed \$325, for the first twenty-four hour period, or any portion thereof, including, but not limited to, the equipment, delivery and schooling in its use, to an overall maximum for all items of \$400, for each licensee as set out in (2)(a) above.~~

~~(b) Not more than twenty dollars for each successive twenty-four hour period or any portion thereof, for the equipment needed to establish each single specific gambling station as set out in (a) above, to an overall maximum of \$225 for each licensee as set out in (2)(b) above.~~

~~(4) The maximum charges or limits set out in subsections (1) through (3) above include any amount paid to reserve the use of applicable premises, services or equipment.~~

~~No more than 50% of the total allowable fees or charges may be paid in advance of the event. Advance payment shall be made only by check which shall not be drawn or paid more than 90 days prior to the event.~~

~~The limits in subsections (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment.) (1) The purpose of a fund-raising event (FRE) is to raise funds for organizational purposes. FREs should be operated with a profit motive as described in WAC 230-02-503. FRE licensees shall make a good faith effort to ensure that the expenses paid for all phases of the FRE, including premises, equipment rental, and prizes do not exceed the total gross receipts received for all phases of the activity.~~

Price limit on sale and rental of FRE equipment.

(2) No sale, rental or lease of gaming equipment, premises or services for use in a licensed FRE shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate and shall not be based upon a percentage of the income or profit derived from the conduct of a FRE.

AMENDATORY SECTION (Amending Order 218, filed 11/26/90, effective 12/27/90)

WAC 230-25-120 Limits upon amount for rent, lease or similar payments for fund-raising events—Exceptions. ~~((Licensees shall not expend for rent or lease (or similar arrangements) of premises in which to hold a fund-raising event, or for any equipment or service in connection with the fund-raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.))~~ No sale, rental or lease of gaming equipment, premises or services for use in a licensed fund-raising event (FRE) shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund-raising event.

Maximum rental limits ~~((shall be))~~ are as follows:

~~((1) Premises and other goods or services. Not)~~

Premises goods and services.

(1) A licensee shall pay no more than two hundred dollars for the use of a FRE premises and all goods and services provided by the person renting the premises for all, or any portion, of any twenty-four hour period.

This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: Provided, That the limit shall not include;

(a) Fees for gambling equipment which are governed by the maximums set out in subsection (2) ((below)) of this section; or

(b) Charges for food or drink to the licensee or patrons of the ((fund-raising event)) FRE when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.

~~((2) Gambling devices and equipment:~~

~~(a) Not more than))~~

Gambling devices and equipment.

(2) For all gambling devices and related equipment used to conduct a FRE, each licensee shall not pay more than:

(a) Four hundred dollars ((from each licensee)) for all, or any portion of, the first twenty-four hour period ((for all));

(b) Two hundred and twenty-five dollars for each succeeding twenty-four hour period, or any portion thereof;

(c) This limitation shall not apply to:

(i) Expenditures by the licensee for outright purchases, or construction by the licensee to build gambling equipment; or

(ii) The sale of pull-tabs or the rental of a bingo horse racing device;

(d) For purposes of this section, gambling devices and related equipment ((to conduct the event, including)) include, but is not limited to, cards, dice, cash boxes, shoes, chips, noncoin operated pull-tab dispensing devices, pull-tab scales, delivery thereof and any schooling in its use. ((This limitation shall not apply to the sale of pull-tabs or the rental of a bingo horse racing device:

(b) Not more than two hundred and twenty-five dollars from each licensee for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.

(3) Individual gambling station:

(a) Not more than thirty dollars))

Individual gambling station.

(3) For all ((of the)) gambling equipment needed to set up each single specific gambling station (such as a single twenty-one table), ((except for a) each licensee shall not pay more than thirty dollars per table: Provided, That

(a) Each craps table or ((a)) roulette wheel station ((which)) shall not exceed (((\$55 or for a) fifty-five dollars;

(b) Each station showing horse racing films with advance betting on the outcome of the races which shall not exceed (((\$250, or)) two hundred fifty dollars;

(c) Each station facilitating the operation of an electronic horse racing game, with advance betting on the outcome of the races which, shall not exceed (((\$325)) three hundred twenty-five dollars, for the first twenty-four hour period, or any portion thereof((, including, but not limited to,)); Provided further, That the equipment, delivery and schooling in its use((, to an overall maximum for all items of \$400)) shall not exceed four hundred dollars, for each licensee as set out in subsection (2)(a) ((above)) of this section;

((b)) (d) Not more than twenty dollars for each successive twenty-four hour period or any portion thereof, for the

equipment needed to establish each single specific gambling station as set out in (a) ~~((above))~~ of this subsection, to an overall maximum of ~~((\\$225))~~ two hundred twenty-five dollars for each licensee as set out in subsection (2)(b) ~~((above))~~ of this section:

(e) This limit shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of gambling equipment.

Deposits.

(4) The maximum charges or limits set out in subsections (1) through (3) ~~((above))~~ of this section include any amount paid to reserve the use of applicable premises, services or equipment.

Advance payments.

(5) No more than ((50%)) fifty percent of the total allowable fees or charges may be paid in advance of the event. Advance payment shall be made only by check which shall not be drawn or paid more than ((90)) ninety days prior to the event.

~~((The limits in subsections (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment:))~~

Exception for FRE.

(6) The purpose of a FRE is to raise funds for organizational purposes and therefore should be operated with a profit motive as described in WAC 230-02-503. Licensees conducting limited FREs (see WAC 230-24-325) shall make a good faith effort to ensure that the expenses paid for all phases of the fund-raising activity, including premises and equipment rental, and prizes do not exceed the total gross receipts received for all phases of the activity.

Exception for recreational gaming activity (RGA).

(7) The purpose of a RGA is strictly for entertainment and recreational purposes, not fund-raising. Participation in a RGA shall not be limited to charitable or nonprofit organizations and their members. Therefore, the limitations set forth in this section shall not apply to a RGA's premises or equipment costs.

AMENDATORY SECTION (Amending Order 183, filed 9/13/88)

WAC 230-25-150 Pull-tabs at fund-raising events—Authorized. Pull-tabs are authorized for use at fund-raising (FREs) events and shall be treated as conducted solely ~~((pursuant to))~~ under the FRE license ~~((to conduct a fund-raising event))~~: Provided, That pull-tabs shall not be offered for sale at limited FREs (see WAC 230-25-325). Except where superseded by WAC 230-25-160, all rules applicable to the operation of pull-tabs set forth in chapter 230-30 WAC shall be applicable to pull-tabs utilized at ~~((fund-raising events))~~ FREs.

AMENDATORY SECTION (Amending Order 251, filed 5/17/94, effective 7/1/94)

WAC 230-25-200 Bingo at fund-raising event. Bingo games conducted as part of a licensed fund-raising event (FRE) authorized by chapter 9.46 RCW shall be treated as conducted solely ~~((pursuant to))~~ under the FRE license ~~((to conduct that fund-raising event))~~. All income, prizes awarded, and other expenses shall be separately accounted for, and reported to the commission ~~((:))~~ as ~~((fund-raising event))~~ FRE activity. The following procedures apply to bingo conducted as part of a ~~((fund-raising event))~~ FRE:

(1) All general requirements and limitations set out in chapter 230-25 WAC apply.

Income.

(2) Income from bingo games shall be applied only against the maximum income permitted for ~~((fund-raising events))~~ FREs and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission rules.

Rules not applicable to FRE bingo.

(3) All of the commission's rules applicable to the conduct of bingo games shall apply: Provided, That the following rules shall not be applicable to bingo games conducted as part of a ~~((fund-raising event))~~ FRE:

- (a) WAC 230-20-064;
- (b) WAC 230-20-065;
- (c) WAC 230-20-070;
- (d) WAC 230-20-170;
- (e) WAC 230-20-242; and
- (f) WAC 230-20-246(10).

Bingo card inventory.

(4) If a FRE licensee is also a bingo licensee and uses disposable bingo cards ~~((are used to conduct))~~ for bingo games ~~((at fund-raising events and the organization has a license to conduct bingo))~~ conducted at a FRE, the inventory control procedures of WAC 230-08-105 shall apply. A reference to all cards or packets of cards used shall be made in the inventory control records. If the organization does not have a license to conduct bingo, all unused cards or packets must be retained as part of the event record: Provided, That licensees may return unused cards or packets to the distributor if there are no breaks in the audit numbers of the unused portion. The distributor shall document the total number of cards or packets returned and the beginning and ending audit numbers.

Bingo at limited FREs.

(5) If bingo is conducted at a limited FRE (see WAC 230-25-325), scrip may be used to purchase bingo cards and participants may only play for merchandise prizes.

AMENDATORY SECTION (Amending WSR 96-07-077, filed 3/19/96, effective 7/1/96)

WAC 230-25-220 Raffles or similar drawings conducted at fund-raising events. Raffles or similar drawings

may be conducted at fund-raising events ~~((so long as))~~ (FREs) when they meet the following requirements:

Sales and drawings at event only.

(1) ~~((No sales of tickets or))~~ All aspects of a raffle or similar drawing must be conducted at the FRE to be considered a raffle held at such event. All tickets must be sold during the event and drawing(s) ((in any raffle or similar drawing wherein the winner or winners are chosen by the drawing)) of a ticket ((or other), card, or other device ((shall be done at, or in connection with, a licensed fund-raising event unless all aspects of the raffle or similar drawing are done only at the fund-raising)) must be held during the event.

Sales and drawings conducted outside a FRE.

(2) If any ~~affle ticket ((card or other device for a raffle or similar drawing))~~ is sold, or any drawing for a raffle or similar drawing held, other than ~~((at and))~~ during a licensed ~~((fund-raising event, then))~~ FRE:

(a) No portion of the raffle or similar drawing shall be conducted at or during any licensed ~~((fund-raising event, nor shall))~~ FRE; and

(b) The raffle or similar drawing shall not be considered as being held under the ~~((fund-raising event))~~ FRE license for ~~((any))~~ such ~~((fund-raising event))~~ FRE.

Raffles conducted under a FRE license.

(3) Raffles or other similar drawings wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed ~~((fund-raising event))~~ FRE authorized by RCW 9.46.0311 shall be treated as conducted under the license to conduct that ~~((fund-raising event))~~ FRE. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for ~~((fund-raising events))~~ FREs but shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under different statutory authority: Provided, That the requirements of WAC 230-20-325 applicable to raffles shall be applicable to all such drawings conducted at a ~~((fund-raising event))~~ FRE, except that single chances on drawings may be sold for up to twenty-five dollars per chance.

Income from raffles.

(4) Income from raffles or other drawings conducted at, or as a part of, such a ~~((fund-raising event))~~ FRE shall be applied only against the maximum income permitted for ~~((fund-raising events))~~ FREs and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

Rules not applicable to FRE raffles.

(5) All ~~((of the))~~ commission~~((s))~~ rules applicable to ~~((the conduct of))~~ raffles, whether general or specific, shall apply to ~~((the conduct of))~~ raffles and to the conduct of other similar drawings wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a ~~((fund-raising event))~~ FRE, except as provided in

subsection (3) of this section and except the following rules which shall not be applicable:

- (a) WAC 230-08-070;
- (b) WAC 230-20-350; and
- (c) WAC 230-12-020.

Raffles conducted under a raffle license during a FRE.

(6) Subsections (1) through (5) of this section shall not apply to a drawing held during a ~~((fund-raising event))~~ FRE if the raffle is conducted under a raffle license issued by the commission~~((s))~~ and all tickets for the raffle are sold and deposited into the drawing container before the beginning of the ~~((fund-raising event))~~ FRE.

Raffles at limited fund-raising events.

(7) Two types of raffles may be offered at limited FREs (see WAC 230-25-325):

(a) Raffles as set forth in subsection (1) through (6) of this section; and

(b) Raffles may be conducted during FREs or at the end of the event as a means of determining who will win merchandise prizes. Raffle tickets for these types of raffles shall only be purchased with noncash value scrip provided at the event by the FRE equipment distributor.

AMENDATORY SECTION (Amending Order 87, filed 10/20/78)

WAC 230-25-310 Fund-raising event—List of workers to be available on premises. (1) The licensee conducting a fund-raising event (FRE) shall prepare and have available on the premises a list of all persons taking part in the management or operation of the ~~((fund-raising event))~~ FRE. Such list shall contain the name, address, telephone number and a description of the type of membership in the organization of each person. The list shall be maintained as part of the licensee's records of the event and shall be made available to any law enforcement officer or representative of the commission upon request.

(2) Licensees conducting limited FREs (see WAC 230-25-325) shall include the name of the FRE equipment distributor and shall obtain from the distributor the names of all workers employed by the distributor who worked the event.

AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-315 Workers to wear identification tabs. (1) Each licensee conducting a fund-raising event (FRE) shall furnish ~~((to))~~ each ~~((person))~~ member participating in the management or operation of the ~~((event))~~ FRE an identification tag ~~((which))~~ that, at a minimum ~~((shall)),~~ contains ~~((that person's name and designation of licensee))~~ the names of the member and licensed organization. Name tags must include at least the member's first initial and last name or first name and initial of the last name. The licensee shall cause each ~~((such person))~~ member to wear this tag at all times when the ~~((person))~~ member is working at the ~~((fund-raising event))~~ FRE. The tag shall be worn in plain view so as

to be easily seen and read by persons participating in the event. The type and style of tag shall be the option of the licensee.

(2) During a limited FRE (see WAC 230-25-325), employees of the FRE equipment distributor shall wear name tags that, at a minimum, state the first name of the employee and full name of the FRE equipment distributor.

NEW SECTION

WAC 230-25-325 Limited fund-raising event—Procedures and restrictions. Pursuant to RCW 9.46.0233(2), nonprofit or charitable organizations may offer *limited* fund-raising events (FREs). Organizations offering *limited* FREs must operate the FRE under the following operational procedures:

Operating procedures.

(1) Only members of the organization and their guests shall participate in the event. Guests may not exceed twenty-five percent of event participants.

(2) Participants shall purchase scrip with cash.

(3) Scrip shall be exchanged at gambling stations for chips.

(4) Only bona fide members will be utilized for all transactions involving acceptance of cash for scrip, conducting the schemes to determine the winners of merchandise prizes, and maintaining records during the event.

(5) The value of all purchased prizes must not exceed ten percent of the gross revenue from the event, less the cost of the FRE equipment rental contract.

(6) Any prizes purchased from the FRE equipment distributor must be disclosed. The cost may not exceed the fair market value. Prizes may be disclosed to the public at the retail value.

FRE equipment distributors.

Limitations.

(7) The nonprofit organization may only contract with a person or organization licensed as a FRE equipment distributor to provide the equipment and staff to operate the gaming stations.

(8) Under no circumstances shall employees of the FRE equipment distributor handle cash transactions or allow participants to purchase chips with cash.

Compensation.

(9) The fee paid to the FRE equipment distributor shall be in compliance with WAC 230-25-120. The FRE distributor shall not share in any way in the proceeds of the event except as set forth in the rule.

Information to be submitted with FRE application.

(10) The application must include details relating to the initial cost to participate, and method for purchasing additional scrip, as well as identify all costs included in the initial price to enter that are not related to the gambling activity (i.e., meals, drinks, etc.). The application must also identify the

scheme that will be followed to distribute the merchandise prizes to participants at the end of the event (i.e., raffle, auction, etc.).

(11) All contracts signed by the FRE licensee with the FRE equipment distributor and premises provider must be submitted with the FRE license application.

NEW SECTION

WAC 230-25-325 Limited fund-raising event—Procedures and restrictions. Pursuant to RCW 9.46.0233(2), nonprofit or charitable organizations may offer *limited* fund-raising events (FREs). Organizations offering *limited* FREs must operate the FRE under the following operational procedures:

Operating procedures.

(1) Only members of the organization and their guests shall participate in the event.

(2) Participants shall purchase scrip with cash.

(3) Scrip shall be exchanged at gambling stations for chips.

(4) Only bona fide members will be utilized for all transactions involving acceptance of cash for scrip, conducting the schemes to determine the winners of merchandise prizes, and maintaining records during the event.

(5) The value of all purchased prizes must not exceed ten percent of the gross revenue from the event, less the cost of the FRE equipment rental contract.

(6) Any prizes purchased from the FRE equipment distributor must be disclosed. The cost may not exceed the fair market value. Prizes may be disclosed to the public at the retail value.

FRE equipment distributors.

Limitations.

(7) The nonprofit organization may only contract with a person or organization licensed as a FRE equipment distributor to provide the equipment and staff to operate the gaming stations.

(8) Under no circumstances shall employees of the FRE equipment distributor handle cash transactions or allow participants to purchase chips with cash.

Compensation.

(9) The fee paid to the FRE equipment distributor shall be in compliance with WAC 230-25-120. The FRE distributor shall not share in any way in the proceeds of the event except as set forth in the rule.

Information to be submitted with FRE application.

(10) The application must include details relating to the initial cost to participate, and method for purchasing additional scrip, as well as identify all costs included in the initial price to enter that are not related to the gambling activity (i.e., meals, drinks, etc.). The application must also identify the scheme that will be followed to distribute the merchandise

prizes to participants at the end of the event (i.e., raffle, auction, etc.).

(11) All contracts signed by the FRE licensee with the FRE equipment distributor and premises provider must be submitted with the FRE license application.

**WSR 00-12-101
PROPOSED RULES
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed June 7, 2000, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-113 and 98-09-114.

Title of Rule: Notifiable conditions surveillance.

Purpose: Tracking communicable and other diseases is a primary function of public health agencies. This type of data is critical to local health departments in their efforts to control the spread of diseases, such as tuberculosis, measles, hepatitis and HIV/AIDS, just to name a few. This type of data is also critical to national epidemiological efforts conducted by the Centers for Disease Control and Prevention and other public health organizations.

Statutory Authority for Adoption: RCW 43.20.050, 43.70.545, 70.24.125, 70.28.010, 70.104.030.

Statute Being Implemented:

STATUTE BEING IMPLEMENTED	ADOPTING AUTHORITY	APPLICABLE WAC SECTION
RCW 43.20.050 Powers and duties of the State Board of Health—State public health report—Delegation of authority—Enforcement of rules.	State Board of Health	246-100-011, 246-100-016, 246-100-021, 246-100-026, 246-100-031, 246-100-036, 246-100-041, 246-100-042, 246-100-043, 246-100-046, 246-100-071, 246-100-076, 246-100-081, 246-100-086, 246-100-091, 246-100-171, 246-100-176, 246-100-181, 246-100-196, 246-100-201, 246-100-216, 246-100-231, 246-100-236, 246-100-241, 246-101-001, 246-101-005, 246-101-010, 246-101-015, 246-101-101, 246-101-105, 246-101-110, 246-101-115, 246-101-120, 246-101-201, 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, 246-101-230, 246-101-301, 246-101-305, 246-101-310, 246-101-315, 246-101-320, 246-101-401, 246-101-405, 246-101-410, 246-101-415, 246-101-420, 246-101-425, 246-101-501, 246-101-505, 246-101-510, 246-101-515, 246-101-520, 246-101-525, 246-101-601,

		246-101-605, 246-101-610, 246-101-615, 246-101-620, 246-101-625, 246-101-630, 246-101-635, 246-101-640, 246-101-701, 246-101-705, 246-101-710, 246-101-715, 246-101-720, 246-101-725, 246-101-730, 246-420-001, 246-420-010, 246-420-020, 246-420-030, 246-420-040, 246-420-050, and 246-420-060.
RCW 43.70.545 Data collection and reporting rules.	Department of Health	246-100-218, 246-101-115, 246-101-225, 246-101-301, 246-101-305, 246-101-315, 246-101-320, 246-101-605, 246-101-610, 246-101-615, 246-101-620, and 246-101-630.
RCW 70.24.125 Reporting requirements for sexually transmitted diseases—Rules.	State Board of Health	246-100-076, 246-100-081, 246-100-231, 246-100-236, 246-101-101, 246-101-110, 246-101-115, 246-101-201, 246-101-210, 246-101-215, 246-101-220, 246-101-225, 246-101-301, 246-101-310, 246-101-315, 246-101-510, 246-101-520, 246-101-620, 246-101-630, and 246-101-635.
RCW 70.28.010 Physicians required to report cases.	Board of Health	246-100-076, 246-100-081, 246-100-231, 246-100-236, 246-101-101, 246-101-110, 246-101-115, 246-101-201, 246-101-210, 246-101-215, 246-101-220, 246-101-225, 246-101-301, 246-101-310, 246-101-315, 246-101-510, 246-101-620, and 246-101-635.
RCW 70.104.030 Powers and duties of the Department of Health.	Department of Health	246-100-217, 246-101-001, 246-101-105, 246-101-110, 246-101-115, 246-101-120, 246-101-301, 246-101-305, 246-101-310, 246-101-315, 246-101-320, 246-101-605, 246-101-610, 246-101-615, and 246-101-620.

PROPOSED

Summary: Revises and integrates the nine different regulatory structures for notifiable conditions surveillance in a single unified format; updates that list of what conditions are notifiable to public health authorities.

Reasons Supporting Proposal: By revising and integrating the notifiable conditions regulations and list of notifiable conditions, and continuing the development of systems to electronically record and exchange notifiable conditions data, public health authorities will have the necessary information to respond in a more timely manner to health events in the community. Enhanced capacity to respond to public health events should result in economic benefit for the health care system and the community. Future integration of less immediate conditions into the physician-health claims billing system will also help to provide a more complete picture of health threats in the community. The creation of criteria for

what would be acceptable from a standard electronic data format as a report to public health authorities will set the standard for future business transactions.

Name of Agency Personnel Responsible for Drafting and Implementation: Greg Smith, P.O. Box 47815, Olympia, WA 98504-7815, (360) 236-3704; and Enforcement: Maxine Hayes, MD, P.O. Box 47890, Olympia, WA 98504-7890, (360) 236-4030.

Name of Proponent: State Department of Health and State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revises and integrates all current state regulations regarding disease reporting to public health authorities so: Time frames for notification are streamlined to no more than three per category of reporter; clarifications about who the reporter must notify are included; emergent conditions of public health importance are added, lesser priority conditions are deleted; process for receiving notifications through alternative methods is established; systematic review process established for all newly notifiable conditions is [are] established; and other technical changes in the disease reporting and notification process are accomplished.

Proposal Changes the Following Existing Rules: This proposed regulation revises and integrates the entire notifiable conditions system into one easy to read and use regulation.

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

Small Business Economic Impact Statement

Background: Collecting information through a reportable disease process is a foundation of public health practice. Residents depend on an aggressive system to rapidly and effectively respond to health threats as they become apparent. The information is used to implement immediate interventions to protect the community. The information gathered is also used to determine the effectiveness at both the community and state level of disease prevention and health promotion programs.

The notifiable conditions system is presently a series of distinct systems built largely to respond to specific situations and diseases. Components included in addition to communicable disease reporting are: Animal bites reporting, blood lead reporting, pesticide poisoning, gunshot wound reporting, birth defects reporting, and cancer reporting. The current reporting systems have nine different timeframes for reporting and eight different reporting processes. In many cases there is confusion among reporters (health care providers, laboratories, hospitals) about which reporting process applies to which condition.

Representatives from Department of Health (DOH), local health departments, the Department of Labor and Industries (L&I), and the medical and the laboratory communities began meeting in late 1997 to assess how to modernize and integrate the notifiable conditions system. Twelve criteria were used to generate a draft list of notifiable conditions: Incidence, morbidity, mortality, communicability, prevent-

ability and treatability, need for an immediate public health response, socioeconomic impact, agricultural impact, WHO and CDC interest, public perception, and action to be taken by public health using the data. Efforts were made to minimize the use of the "notifiable conditions" process for collecting data that were otherwise available to public health authorities.

The department held more than one hundred fifty meetings with various groups of affected stakeholders to discuss changes to the list and how, when and where conditions should be reported. The feedback from those meetings clearly called for consolidated time frames for notification, consistent data collection methods and regulatory schemes revision, as was the need to automate and integrate as much of the reporting burden as possible. The regulated community also indicated a desire to streamline and coordinate processes wherever possible and to develop new regulations that were logical, understandable, and easier to use. Finally the regulated community desired a systematic method for evaluating emergent conditions added to the notifiable conditions system before they became permanently notifiable. The SBOH and DOH drew heavily from the public comments when developing the proposed regulations.

Is an SBEIS necessary? Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The act defines a business as any "...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...." Thus, the board and department are not required to assess the cost that a rule may impose on a public or nonprofit institution. This exemption is important for this proposed rule since a significant portion of the burden falls on public entities. The board and the department has identified the following types of entities as affected by the proposed rule.

- a. **Laboratories**, the costs of generating and transmitting reports of positive test results,
- b. **Health care providers**, the costs (to physicians, infection control practitioners, other medical care providers) of completing case reports,
- c. **Local health jurisdictions**, the costs of conducting follow-up investigations with providers to complete case reports and to securely store these case reports, and
- d. **State government**, DOH and L&I.

Of these entities, only laboratories and providers meet the definition of a business seeking to make a profit. The "more than minor" thresholds for laboratories and providers are \$300 and \$240, respectively.¹

1. Assumptions: Annual Incidence of Viral, Enteric, Genetic and Occupational Diseases: The first step in determining the cost of the proposed regulations to laboratories and providers is to project the annual disease incidence occurring in Washington state. The board anticipates approximately four hundred fifty persons will test positive for viral disease, one hundred fifty for food/water-borne disease, six hundred for genetic disorders, and two thousand for occupational illnesses. The board derived this estimate after review-

ing available data sources of disease incidence.² The board used the above projections of disease incidence to estimate four types of costs associated with each illness category.

2. Laboratory Costs: Number of Laboratories Reporting, Number of Tests, Time Required for Reporting of Results: Washington state has some two thousand five hundred laboratories performing a wide variety of tests. Some of these laboratories specialize in the performance of specific diagnostic tests while others offer a broader array of diagnostic tests. In 1999, the board prepared a significant analysis for the name-to-code HIV reporting regulation. To estimate laboratory cost of HIV reporting, DOH staff interviewed knowledgeable representatives of nine laboratories. The survey indicated that laboratories use computer programs to identify reportable tests and generate the required notifiable disease reports. Staff involvement is limited to an average of two minutes per test result. Assuming staff costs \$20/hour (including overhead and benefits), each report costs laboratories \$0.67. The board assumes that laboratory "per report" costs for the proposed rule will be similar to that estimated for the HIV reporting rule.

Viral: The proposed rule would not require laboratories to perform any additional activities when they find a positive viral test result. Therefore, there are no added costs.

Food/Water Borne: The proposed rule would add cryptosporidiosis and cyclosporiasis to the list of reportable conditions for laboratories. Notification of the local health jurisdiction would be required within two days of obtaining a positive test result. In addition, laboratories would need to send a tissue specimen to the state laboratory. Assuming one hundred fifty cases each year, this proposal would add about \$100 in paperwork costs. In addition, packaging and delivering cyclospora specimens to the state laboratory would cost about \$15. The board and the department estimated the required overall annual laboratory cost associated with food/water borne diseases at \$850.³

Genetic: The proposed rule would not increase laboratory costs as they would not be required to perform any additional activities. However, the institution drawing the tissue sample (most likely a hospital) would be required to provide a monthly report to the state Department of Health of all cases of the newly specified genetic diseases. Assuming six hundred cases each year, this proposal would add about \$400 to hospital annual paperwork costs.

Occupational: The proposed rule would not increase laboratory costs as they would not be required to perform any additional activities.

Estimating the cost that individual laboratories will face from the proposed regulatory amendments is difficult because of the wide variation in laboratory size. The board does not expect that any laboratory would face cost increases of more than \$300. The board's and the department's expectation is grounded in the fact that some two thousand five hundred laboratories operate in Washington state and the total reporting cost of all providers is estimated at less than \$2,800. Nevertheless, the board and the department decided it prudent to prepare an SBEIS for this business category just in case some providers may face costs of more than \$300.

3. Cost to Providers: Time Required for Completing Case Reports, Number of Reports, Number of Unnecessary Case Report Investigations: To estimate the cost of mandatory provider reporting, SBOH first determined the time it would take providers to complete a patient case report. In the analysis accompanying the recent regulation requiring notification of HIV infection, the board and the department interviewed four AIDS disease investigators at the Seattle-King County Department of Public Health who estimated that a case report could typically be completed in fifteen minutes. Department staff independently came to the same estimate. The board assumes that a report for one of the new notifiable conditions would take a similar amount of time since similar information is required. Based on staff time costs of \$20/hour (physicians regularly delegate their reporting authority to a specific office staff member), the provider cost per completed case report is estimated at \$5/report.

Viral: The proposed rule would add Hepatitis B surface antigen positivity in pregnant women and Hantavirus pulmonary syndrome to the list of reportable conditions for providers. Notification of the local health jurisdiction would be required within three working days of obtaining a positive test result. Assuming four hundred fifty annual cases, this requirement would impose costs of \$2250 on providers.

Food/Water Borne: The proposed rule would require providers to notify the local health jurisdiction of cases of cryptosporidiosis and cyclosporiasis within three working days of obtaining a positive test result. Assuming one hundred fifty annual cases, this requirement would impose costs of \$750 on providers.

Genetic: The proposed rule would not require providers to perform any additional activities when they find one of the newly specified genetic diseases. Therefore, there are no added costs.

Occupational: The proposed rule would require providers to report cases of occupational asthma to the Department of Health. Notification would be required on a monthly basis. Assuming two hundred thirty five annual cases, this requirement would impose total annual costs of \$1,175 on providers.

Estimating the cost to individual providers is very difficult because of the significant variation in provider size and the communities they serve. On average this proposed rule would cost providers well less than \$240 since many of providers operate in Washington state and the total reporting cost of all providers is estimated at about \$4,200. Nevertheless, the board thinks that some providers may face costs of more than \$240. For example, an individual practitioner specializing in treating infectious diseases could have costs higher than \$240. On the other hand, reporting costs for a large provider in a rural setting will likely be well less than \$240 per year. Since some providers may face more than \$240 an SBEIS is required for this business category.

Does the proposed rule affect both large and small businesses? With certain restrictions the act requires the government agencies to provide regulatory relief whenever a rule imposes a disproportionate cost burden on small businesses. The act defines a small business as one that employs less than fifty individuals. As part of the rule-making analy-

sis prepared for the board's 1999 HIV name-to-code reporting regulation, the department investigated employment at thirty two laboratories in Washington state.⁴ The number of testing personnel at these laboratories ranges from one to two hundred ninety-seven—eighteen labs have fewer than fifty people and fourteen have over fifty people. Based on these employment numbers, the board determined that the proposed rule might very well affect both large and small laboratories.

With regard to providers, the board and the department did not find specific information about the employment patterns of providers who would likely be affected by this proposed rule. Nevertheless, the board and the department are aware that providers span a range of sizes; from individuals in sole practices to large managed care companies. Therefore, the board and the department believe it reasonable to assume that the proposed rule will affect both large and small providers.

Does the proposed rule impose disproportionate cost on small businesses? The act provides specific direction to agencies on how to determine if a proposed regulation imposes disproportionate costs on small business (RCW 19.85.040(1)).

"To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- a) Cost per employee;
- b) Cost per hour of labor; or
- c) Cost per one hundred dollars of sales."

On a cost per employee basis, the proposed regulation would affect small laboratories significantly more than large laboratories if there were sizable fixed costs for the reporting of notifiable conditions. However, the board and the department believe it more likely that the costs associated with reporting are variable (proportional to hours of labor required for reporting). As such, the board and the department expect that there would not be a difference in per employee costs. Nevertheless, given the possibility that laboratories with fewer than fifty employees would face higher per employee compliance costs than the larger laboratories, the board and the department think it prudent to provide relief for small businesses in this business category.

The board and the department finds that on a cost per hour of labor basis, the proposed rule would not impose a disproportionate cost impact on small providers. To make this finding, the board and the department considered the cost of reporting relative to the time required to draw and prepare a tissue specimen. Most tests have standardized protocols for preparing a specimen.⁵ Therefore, the board and the department presumed that the time to draw and prepare the specimen would be similar at large and small institutions. Consideration of economics of scale (i.e., efficiency gains resulting from drawing many samples) does not change this presumption. Therefore, the board and the department concluded that

the proposed rule does not impose disproportionate costs on small providers, and that mitigation is not required.

What Regulatory Mitigation is Provided? This assessment found that the proposed rule could impose disproportionately higher costs on small laboratories. Requirements of the Regulatory Fairness Act are very specific in this situation.⁶

"Based upon the extent of the disproportionate impact on small business... the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- a) Reducing, modifying, or eliminating substantive regulatory requirements;
- b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- c) Reducing the frequency of inspections;
- d) Delaying compliance timetables;
- e) Reducing or modifying fine schedules for noncompliance; or
- f) Any other mitigation techniques."

The board and the department do not expect any laboratories to have difficulty complying with the notification requirements in the proposed regulatory amendments. The department based this expectation on a survey in which no individual laboratory indicated any difficulty with this provision. In addition, the board and the department expect that smaller, less sophisticated labs would not have the ability to do many of the tests. Lack of equipment, lack of mediums for growing cultures and lack of technical proficiency are likely to cause smaller less sophisticated labs to send their samples to a reference laboratory (possibly the PHL, possibly a major private lab) instead of doing the tests in-house.

Nevertheless, to account for the possibility that some laboratories might face disproportionate costs, the board and the department will phase in the reporting of cryptosporidiosis and cyclosporiasis for any laboratory that requests a delay in implementation. The board and the department anticipate that small laboratories will generally be more likely to request an extended phase-in period. Phasing-in the requirement to report cryptosporidiosis and cyclosporiasis tests and serving as an available referral laboratory would provide significant relief to small laboratories.

The board and the department are also working collaboratively with laboratories to identify and implement the most cost-effective means of reporting test results, including the use of electronic media, prepackaged data entry screens or use of data generated by an individual laboratory's clinical laboratory information management system, transmittal software, and encryption software. Individual laboratories will not be required to report the results of cryptosporidiosis and cyclosporiasis tests until a mutually agreed upon time if the laboratory requests additional time to meet the reporting requirement. The reporting requirement will be enacted on a case-by-case basis in these situations.

Other Requirements:

1. How DOH involved small businesses in the development of the rule: The department conducted a survey of

all licensed laboratories in September 1998 in an attempt to ascertain what if any difficulties or concerns laboratories may have with these proposed changes in the laboratory notification requirements.

The department also has solicited input directly from health care providers and laboratorians in local and professional forums, and has been working cooperatively with the Washington State Medical Association (Medical Practice Subcommittee and Specialty Committee), Washington State Hospital Association, the DOH-Clinical Laboratory Advisory Committee, and the Washington State Association of Local Public Health Officials as leaders and representatives of various entities required [to] take actions under the proposed regulations.

2. The industries required to comply with the proposed rule: Two for-profit industries are required to comply with this rule: Laboratories and health care providers (including individual providers and hospitals).

3. Will the proposed rule cause any industry to lose business? The proposed rule will not cause any industry to lose business. Laboratories are in the business of performing diagnostic tests. They have for many years been integral to notification processes about the results of those tests with public health authorities. Health care providers are in the business of treating illness and maintaining wellness of their patients. Changes to these regulations are designed to reflect the most critical public health priorities – those conditions where public health must assist the health care provider by assisting in an intervention. These interventions prevent further transmission of communicable diseases, assure that appropriate and available treatment is obtained for patients that are already affected by a notifiable condition, and that information about disease and condition outbreaks provides a basis of information to prevent future outbreaks.

¹ Washington State Department of Community, Trade and Economic Development, "Facilitating Regulatory Fairness, A Resource Guide to Implementation for Rule Writers," January, 1995. The cost threshold for laboratories was from SIC code 807 - Medical & Dental Laboratories, the cost threshold for providers was from SIC code 801 - Office & Clinics of Doctors of Medicine.

² To approximate the number of illnesses, the board extrapolated known national incidence data to the Washington population, estimated Washington prevalence from state prevalence rates from states where prevalence is known, and applied estimates of prevalence based on data from recent outbreaks.

³ The actual cost of sending tissue samples to the state laboratory is likely to be less than estimated here. Commercial and LHH laboratories forward many of tissue samples to the state laboratory as the state laboratory serves as a reference laboratory for private clinical laboratories. Commercial and LHH laboratories submit samples when they do not have the equipment or other technology to perform the particular diagnostic test adequately. Thus, the proposed regulation would only affect those samples that would not have been sent without the mandate.

⁴ This number includes both public and private laboratories.

⁵ Constantine NT, Callahan J, Watts DM. Retroviral testing: Essentials for quality control and laboratory diagnosis. CRC Press, 1992, Boca Raton.

⁶ RCW 19.85.030(3).

A copy of the statement may be obtained by writing to Greg Smith, Washington State Department of Health, P.O. Box 47815, Olympia, WA 98504-7815, phone (360) 236-3704.

RCW 34.05.328 applies to this rule adoption. Under the provisions of RCW 70.24.080, 70.24.084, and 70.05.100 violation of any lawful rule adopted by the board may subject the violator to criminal or monetary penalties.

Hearing Location: Room 316, South Campus Center, University of Washington, Seattle, Washington, on July 12, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Heather Boe, (360) 236-4104, by July 5, 2000, TDD (800) 833-6388, or (360) 548-5275.

Submit Written Comments to: Greg Smith, fax (360) 236-4088, by July 12, 2000.

Date of Intended Adoption: September 1, 2000.

June 6, 2000

Nancy Ellison

for Mary C. Selecky

Secretary, Department of Health

June 6, 2000

Dennis Braddock

Chair, State Board of Health

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AMENDATORY SECTION (Amending WSR 97-15-099, filed 7/21/97, effective 7/21/97)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

- (a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and
- (b) Assessing the individual's risk of HIV acquisition and transmission; and
- (c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) ~~("Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others, but who may or may not have signs and/or symptoms of the disease.~~

(5)) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

~~((6) "Category A disease or condition" means a reportable disease or condition of urgent public health importance, a case or suspected case of which must be reported to the local or state health officer immediately at the time of diagnosis or suspected diagnosis.~~

~~(7) "Category B disease or condition" means a reportable disease or condition of public health importance, a case of~~

which must be reported to the local health officer no later than the next working day following date of diagnosis.

~~(8) "Category C disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer within seven days of diagnosis.~~

~~(9)) (5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.~~

~~((10)) (6) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.~~

~~((11) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.~~

~~(12)) (7) "Department" means the Washington state department of ((social and)) health ((services)).~~

~~((13)) (8) "Detention" or "detainment" means physical restriction of activities of an individual by confinement, consistent with WAC 246-100-206(8), for the purpose of monitoring and eliminating behaviors presenting imminent danger to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.~~

~~((14) "Food handler" means any person preparing, processing, handling, or serving food or beverages for people other than members of his or her household.~~

~~(15) "Food service establishment" means any establishment where food or beverages are prepared for sale or service on the premises or elsewhere, and any other establishment or operation where food is served or provided for the public with or without charge.~~

~~(16)) (9) "Health care facility" means:~~

~~(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, ((maternity homes)) birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and~~

~~(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW..~~

~~((17)) (10) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care ((or medical care)) who is:~~

~~(a) Licensed or certified in this state under Title 18 RCW; or~~

~~(b) Is military personnel providing health care within the state regardless of licensure.~~

~~((18)) (11) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+(T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total~~

lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

- (a) Monitoring previously diagnosed infection with HIV;
- (b) Monitoring organ or bone marrow transplants;
- (c) Monitoring chemotherapy;
- (d) Medical research; or
- (e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

~~((19) "Infection control measures" means the management of infected persons, persons suspected to be infected, and others in such a manner as to prevent transmission of the infectious agent.~~

~~(20)) (12) "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.~~

~~((21) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any medical laboratory.~~

~~(22)) (13) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.~~

~~((23)) (14) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.~~

~~((24) "Medical laboratory" means any facility analyzing specimens of original material from the human body for purposes of patient care.~~

~~(25)) (15) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.~~

~~((26)) (16) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.~~

~~((27)) (17) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:~~

- (a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;
- (b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;
- (c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;
- (d) Assessing emotional impact of HIV test results; and
- (e) Appropriate referral for other community support services.

~~((28)) (18) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:~~

- (a) Helping an individual to understand:
 - (i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

~~((29))~~ (19) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((30))~~ (20) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

~~((31) "Reportable disease or condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer.~~

~~((32))~~ (21) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((33))~~ (22) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

~~((34))~~ (23) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

~~((35))~~ (24) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((36))~~ (25) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

~~((37) "Unusual communicable disease" means a communicable disease which is not commonly seen in the state of Washington but which is of general public health concern including, but not limited to, Lassa fever, smallpox, typhus, and yellow fever.~~

~~((38))~~ (26) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-021 Responsibilities and duties—Health care providers. Every health care provider, as defined in chapter 246-100 WAC, shall:

(1) Provide adequate, understandable instruction in control measures designed to prevent the spread of disease to:

(a) Each patient with a communicable disease under his or her care~~((:)); and~~

~~((Family of a patient with a communicable disease, (e) Contacts and))~~ (b) Others as appropriate to prevent spread of disease.

~~((Ensure notification of the local health officer or local health department regarding:~~

~~((a) Cases of reportable diseases and conditions. See WAC 246-100-071, 246-100-076, and 246-100-081;~~

~~((b) Outbreaks or suspected outbreaks of disease. See WAC 246-100-071, 246-100-076, and 246-100-081;~~

~~((c) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and~~

~~((d) Name, address, and other pertinent information for any case or carrier refusing to comply with prescribed infection control measures.~~

~~((3))~~ Cooperate with public health authorities during investigation of:

(a) Circumstances of a case or suspected case of a ~~((reportable disease or))~~ notifiable condition or other communicable disease~~((:)); and~~

(b) An outbreak or suspected outbreak of illness.

Comply with requirements in WAC 246-100-206, 246-100-211, and ~~((246-100-217))~~ chapter 246-101 WAC.

(3) Use protocols established in *Communicable Diseases Manual*, seventeenth edition, James Chin, MD, MPH, editor, 2000, when treating wounds caused by animal bites. A copy of this publication is available for review at the department and at each local health department.

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall review and determine appropriate action for:

~~((a) Each reported case or suspected case of a reportable disease or condition;~~

~~((b) Any disease or condition considered a threat to public health;~~

~~((c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and~~

~~((d))~~ Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the

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power of the courts to enforce these measures when necessary.

(2) Local health officers shall:

(a) ~~((Submit reports to the state health officer as required in chapter 246-100 WAC;~~

~~(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease case reports consistent with WAC 246-100-016;~~

~~(e)) Notify health care providers within the health district regarding requirements in this chapter;~~

~~((d) Distribute appropriate report forms to persons responsible for reporting;~~

~~(e) Notify the principal health care provider:~~

~~(i) If possible, prior to initiating a case investigation by the local health department; and~~

~~(ii) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:~~

~~(A) The principal health care provider cannot be identified; or~~

~~(B) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;~~

~~(f)) (b) Ensure anonymous HIV testing is reasonably available;~~

~~((g)) (c) Make HIV testing, AIDS counseling, and pre-test and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;~~

~~((h)) (d) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;~~

~~((i)) (e) Use identifying information on HIV-infected individuals provided according to chapter 246-101 WAC ~~((246-100-076 and 246-100-236))~~ only:~~

~~(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or~~

~~(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or~~

~~(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and~~

~~((j) Destroy case report identifying information on asymptomatic HIV-infected individuals received as a result of WAC 246-100-076 within three months of receiving a complete case report;~~

~~(k)) (f) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.~~

~~(3) ((Each local health officer has the authority to:~~

~~(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;~~

~~(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and~~

~~(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.~~

~~(4)) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the ~~((sixteenth))~~ seventeenth edition ~~((1995))~~, 2000, of ~~((Control of))~~ Communicable Diseases Manual, ~~((edited by Abram S. Benenson, published by the American public health association))~~ James Chin, MD, MPH, editor, except:~~

~~(a) When superseded by more up-to-date measures, or~~

~~(b) When other measures are more specifically related to Washington state.~~

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-201 Birds—Measures to prevent psittacosis. (1) Definitions specific to this section:

(a) "Breeder" means a person or persons propagating birds for purpose of sale, trade, gift, or display;

(b) "Displayer" means a person, owner, or entity other than a public or private zoological park showing, exhibiting, or allowing a person or persons to handle or access a bird in a place open to the public or in a health care facility;

(c) "Leg band" means a smooth plastic or metal cylinder, either open (seamed) or closed (seamless), designed to be used to encircle a leg of a bird including permanent inscription of identification indicating:

(i) Code for individual bird, and

(ii) Code for breeder source except when open bands identify vendor rather than breeder.

(d) "Psittacine bird" or "bird" means all birds commonly known as:

(i) Parrots,

(ii) Macaws,

(iii) Cockatoos,

(iv) Lovebirds,

(v) Parakeets, and

(vi) All other birds of the order psittaciformes.

(e) "Vendor" means a person or entity selling, trading, or giving a bird to another person or entity.

(2) A person selling, trading, or otherwise transferring a bird shall identify each bird by:

(a) A coded and closed (seamless) leg band;

(b) A United States department of agriculture open (seamed) leg band; or

(c) An open (seamed) leg band only in cases where an original and closed (seamless) leg band was lost or required replacement due to injury or potential injury to the bird.

(3) A vendor transferring a bird to other than the general public shall maintain a record of transfer including acquisition, sales, and trade of a bird, for at least one year and including:

(a) Date of transaction;

(b) Name and address of the recipient and source;

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(c) Number and type, including the common name of the bird transferred; and

(d) Leg band codes, including breeder or vendor and individual bird codes, omitting individual bird code only upon initial transfer of a bird-propagated by the breeder.

(4) A vendor transferring a bird to the general public shall provide each buyer or recipient with:

(a) A sales slip or written document including all information required in subsection (3)(a), (b), (c), and (d) of this section; and

(b) A written warning or caution notice including:

(i) Information about possible human infection or disease caused by birds, especially psittacosis, parrot fever, and ornithosis;

(ii) Signs of infection or a sick bird including:

(A) Nasal discharge,

(B) Sneezing,

(C) Coughing,

(D) Ruffled feathers,

(E) Lethargy, and

(F) Diarrhea.

(iii) Signs and symptoms of an illness in a human including, but not limited to:

(A) Chills,

(B) Fever,

(C) Headache,

(D) Cough, and

(E) Muscle aches.

(iv) Information that nasal discharge and droppings of an infected or sick bird may cause illness in humans; and

(v) Advice to consult veterinarian or health care provider, as appropriate, if signs or symptoms occur.

(5) A vendor shall post a readable sign in a public area with a warning described in subsection (4)(b) of this section.

(6) When investigation of a human case of psittacosis indicates probable infection from a bird, the local health officer shall:

(a) Order collection of blood or other appropriate samples from the suspect bird or birds for appropriate laboratory tests to rule out disease; or

(b) Use protocols established in *Communicable Diseases ((in Man)) Manual, ((15th)) seventeenth* edition, ((Abram S. Benenson)) James Chin, MD, MPH, editor, ((1999)) 2000. A copy of this publication is available for review at the department and at each local health department; and

(c) Have authority to enforce requirements of this section on a nonpsittacine bird or birds when:

(i) There is suspected exposure to an infected bird, or

(ii) There is evidence a bird caused a disease.

(7) When a local health officer orders a quarantine of a bird or birds, the vendor shall:

(a) Cooperate with the local health officer, and

(b) Assume costs associated with action.

(8) Upon confirmation of psittacosis, vendors shall follow directions issued by the local health officer to:

(a) Place the birds under antibiotic treatment with environmental cleaning and sanitizing; or

(b) Destroy all birds on the premises followed by environmental cleaning and sanitizing; and

(c) Assume costs associated with psittacosis prevention and control action ordered by local and state health officer;

(d) Prohibit sale or addition of birds to inventory; and

(e) Prevent contact of any bird with the public.

(9) A person exhibiting or displaying a bird or birds in a place or area used or occupied by the public shall exhibit the bird or birds in a manner preventing human exposure to the birds and bird discharges except:

(a) In single-purpose pet shops and aviaries, and

(b) At bird shows if:

(i) A room containing a bird or birds is separated from other areas and activities, and

(ii) The room entrance has a sign warning a person about potential exposure to psittacosis.

(10) Shipment and embargo of birds.

(a) Any person or entity receiving a psittacine bird or birds from points outside Washington state shall:

(i) Comply with Title 9 CFR, parts 92.3 and 92.8(b);

(ii) Refuse receipt of any bird originating from premises where psittacosis infection is suspected or known; and

(iii) Refuse receipt of any bird from a premise quarantined for psittacosis.

(b) The state health officer is authorized to:

(i) Order placement and removal of an embargo upon shipment of a live bird or birds into Washington state, and

(ii) Order any action necessary to control an outbreak or potential outbreak of psittacosis in Washington state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-100-016	Confidentiality.
WAC 246-100-026	Responsibilities and duties—Veterinarians.
WAC 246-100-031	Responsibilities and duties—Laboratory directors.
WAC 246-100-041	Responsibilities and duties—State health officer.
WAC 246-100-042	Reporting of blood lead levels.
WAC 246-100-043	Surveillance report to the board—State health officer.
WAC 246-100-046	Responsibilities and duties—Cases, suspected cases, carriers, contacts, and others.
WAC 246-100-071	Responsibility for reporting to and cooperating with the local health department.
WAC 246-100-076	Reportable diseases and conditions.
WAC 246-100-081	Reports—Content—Time—Hospital monthly report permitted for certain diseases.

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Chapter 246-101 WAC

NOTIFIABLE CONDITIONS

NEW SECTION

WAC 246-101-001 Provisions of general applicability. WAC 246-101-005, 246-101-010, and 246-101-015 are applicable throughout this chapter.

NEW SECTION

WAC 246-101-005 Purpose of notifiable conditions reporting. The purpose of notifiable conditions reporting is to provide the information necessary for public health officials to protect the public's health by tracking communicable diseases and other conditions. These data are critical to local health departments and the departments of health and labor and industries in their efforts to prevent and control the spread of diseases and other conditions. Public health officials take steps to protect the public, based on these notifications. Treating persons already ill, providing preventive therapies for individuals who came into contact with infectious agents, investigating and halting outbreaks, and removing harmful health exposures are key ways public health officials protect the public. Public health workers also use these data to assess broader patterns, including historical trends and geographic clustering. By analyzing the broader picture, officials are able to take appropriate actions, including outbreak investigation, redirection of program activities, or policy development.

NEW SECTION

WAC 246-101-010 Definitions within the notifiable conditions regulations. The following definitions apply in the interpretation and enforcement of this chapter:

- (1) "Blood lead level" means a measurement of lead content in whole blood.
- (2) "Board" means the Washington state board of health.
- (3) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others.
- (4) "Case" means a person, alive or dead, diagnosed with a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.
- (5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.
- (6) "Condition notifiable within three work days" means a notifiable condition that must be reported to the local health officer or department within three working days following date of diagnosis. For example, if a condition notifiable within three work days is diagnosed on a Friday afternoon, the report must be submitted by the following Wednesday.
- (7) "Communicable disease" means a disease caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect

- WAC 246-100-086 Reporting diseases and conditions directly to department.
- WAC 246-100-091 Handling of reports by local health department—Handling of reports by department.
- WAC 246-100-171 Special settings—Food service establishments.
- WAC 246-100-176 Special settings—Schools.
- WAC 246-100-181 Special settings—Child day care facilities.
- WAC 246-100-196 Animal bites—Report to local health department.
- WAC 246-100-216 Special diseases—Surveillance for influenza.
- WAC 246-100-217 Special condition—Pesticide poisoning.
- WAC 246-100-218 Special condition—Gunshot wounds.
- WAC 246-100-231 Duties of laboratories—Submission of specimens by laboratories.
- WAC 246-100-236 Duties of laboratories—Reporting of laboratory results indicative of certain reportable diseases.
- WAC 246-100-241 Duties of laboratories—Duty to cooperate with local health departments and the department.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-420-001 Purpose.
- WAC 246-420-010 Definitions.
- WAC 246-420-020 General requirements.
- WAC 246-420-030 Information—Content of reports.
- WAC 246-420-040 Information to parents.
- WAC 246-420-050 Confidentiality of reports—Access to information—Use of information.
- WAC 246-420-060 Information on public and private services for handicapped.

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means including transmission via an intermediate host or vector, food, water, or air.

(8) "Communicable disease cluster" means two or more cases of a confirmed or suspected communicable disease with a suspected common source diagnosed or exposed within a twenty-four hour period.

(9) "Contact" means a person exposed to an infected person, animal, or contaminated environment that may lead to infection.

(10) "Department" means the Washington state department of health.

(11) "Disease of suspected bioterrorism origin" means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used to produce death or disease in humans, animals, or plants. Many of these diseases may have nonspecific presenting symptoms. The following situations could represent a possible bioterrorism event and should be reported immediately to the local health department:

(a) A single diagnosed or strongly suspected case of disease caused by an uncommon agent or a potential agent of bioterrorism occurring in a patient with no known risk factors;

(b) A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without obvious etiology; or

(c) Unexplained increase in a common syndrome above seasonally expected levels.

(12) "Elevated blood lead level" means blood lead levels equal to or greater than 25 micrograms per deciliter for persons aged fifteen years or older, or equal to or greater than 10 micrograms per deciliter in children less than fifteen years of age.

(13) "Food service establishment" means a place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs.

(14) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, Boarding homes; chapter 18.46 RCW, Birthing centers; chapter 18.51 RCW, Nursing homes; chapter 70.41 RCW, Hospitals; chapter 70.128 RCW, Adult family homes; or chapter 71.12 RCW, Private establishments;

(b) Clinics, or other settings where one or more health care providers practice; and

(c) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(15) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Military personnel providing health care within the state regardless of licensure.

(16) "Health care services to the patient" means treatment, consultation, or intervention for patient care.

(17) "Health carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(18) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including, but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+(T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting the existence.

(19) "Immediately notifiable condition" means a notifiable condition of urgent public health importance, a case or suspected case of which must be reported to the local health officer or the department immediately at the time of diagnosis or suspected diagnosis.

(20) "Infection control measures" means the management of infected persons, or of a person suspected to be infected, and others in a manner to prevent transmission of the infectious agent.

(21) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects as defined in RCW 70.02.010.

(22) "Isolation" means the separation or restriction of activities of infected individuals, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.

(23) "Laboratory" means any facility licensed as a medical test site under chapter 70.42 RCW.

(24) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any licensed medical test site.

(25) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, established under chapters 70.05, 70.08, and 70.46 RCW.

(26) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(27) "Member of the general public" means any person present within the boundary of the state of Washington.

(28) "Monthly notifiable condition" means a notifiable condition which must be reported to the local health officer or department within one month of diagnosis.

(29) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(30) "Notifiable condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer or the state health officer.

(31) "Other rare diseases of public health significance" means a disease or condition, of general public health concern, which is occasionally or not ordinarily seen in the state of Washington including, but not limited to, viral hemorrhagic fevers, Rocky Mountain Spotted fever, and other tick borne diseases. This also includes a communicable disease that would be of general public concern if detected in Washington.

(32) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(33) "Patient" means a case, suspected case, or contact.

(34) "Pesticide poisoning" means the disturbance of function, damage to structure, or illness in humans resulting from the inhalation, absorption, ingestion of, or contact with any pesticide.

(35) "Principal health care provider" means the attending health care provider recognized as primarily responsible for diagnosis or treatment of a patient, or in the absence of such, the health care provider initiating diagnostic testing or treatment for the patient.

(36) "Public health authorities" means local health departments, the state health department, and the department of labor and industries personnel charged with administering provisions of this chapter.

(37) "Quarantine" means the separation or restriction on activities of an individual having been exposed to or infected with an infectious agent, to prevent disease transmission.

(38) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

(39) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

- (a) Acute pelvic inflammatory disease;
- (b) Chancroid;
- (c) *Chlamydia trachomatis* infection;
- (d) Genital and neonatal Herpes simplex;
- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

(40) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of this designation, the person having primary responsibility for public health matters in the state.

(41) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

(42) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program as defined in RCW 70.02.010.

(43) "Unexplained critical illness or death" means cases of illness or death with infectious hallmarks but no known etiology, in previously healthy persons one to forty-nine years of age excluding those with chronic medical conditions (e.g., malignancy, diabetes, AIDS, cirrhosis).

(44) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, Veterinary medicine, surgery, and dentistry and practicing animal health care.

NEW SECTION

WAC 246-101-015 Provisional condition notification. This section describes how conditions can become notifiable; what period of time conditions are provisionally notifiable; what analyses must be accomplished during provisional notification status; the transition of provisionally notifiable conditions to permanent notification or deletion of notification requirements. The department's goal for provisionally notifiable conditions is to collect enough information to determine whether requiring notification improves public health.

(1) The state health officer may:

(a) Request reporting of cases and suspected cases of disease and conditions in addition to those required in Tables HC-1, Lab-1, and HF-1 on a provisional basis for a period of time less than forty-eight months when:

(i) The disease or condition is newly recognized or recently acknowledged as a public health concern;

(ii) Epidemiological investigation based on notification of cases may contribute to understanding of the disease or condition;

(iii) There is reason to expect that the information acquired through notification will assist the state and/or local health department to design or implement intervention strategies that will result in an improvement in public health; and

(iv) Written notification is provided to all local health officers regarding:

(A) Additional reporting requirements; and

(B) Rationale or justification for specifying the disease or condition as notifiable.

(b) Request laboratories to submit specimens indicative of infections in addition to those required in Table Lab-1 on a provisional basis for a period of time less than forty-eight months, if:

(i) The infection is of public health concern;

(ii) The department has a plan for using data gathered from the specimens; and

(iii) Written notification is provided to all local health officers and all laboratory directors explaining:

(A) Actions required; and

(B) Reason for the addition.

(2) Within forty months of the state health officer's designation of a condition as provisionally notifiable in subsection (1) of this section, or requests for laboratories to submit specimens indicative of infections in subsection (2) of this section, the department will conduct an evaluation for the notification requirement that:

- (a) Estimates the societal cost resulting from the provisionally notifiable condition;
- (i) Determine the prevalence of the provisional notifiable condition; and
- (ii) Identify the quantifiable costs resulting from the provisionally notifiable condition; and
- (iii) Discuss the qualitative costs resulting from the provisionally notifiable condition.
- (b) Describes how the information was used and how it will continue to be used to design and implement intervention strategies aimed at combating the provisionally notifiable condition;
- (c) Verifies the effectiveness of previous intervention strategies at reducing the incidence, morbidity, or mortality of the provisional notifiable condition;
- (d) Identifies the quantitative and qualitative costs of the provisional notification requirement;
- (e) Compares the costs of the provisional notification requirement with the estimated cost savings resulting from the intervention based on the information provided through the provisional notification requirement;
- (f) Describes the effectiveness and utility of using the notifiable conditions process as a mechanism to collect these data; and
- (g) Describes that a less burdensome data collection system (example: biennial surveys) would not provide the information needed to effectively establish and maintain the intervention strategies.

(3) Based upon the evaluation in subsection (2) of this section, the board will assess results of the evaluation after the particular condition is notifiable or the requirement for laboratories to submit specimens indicative of infections has been in place for forty months. The board will determine based upon the results of the evaluation whether the provisionally notifiable condition or the requirement for laboratories to submit specimens indicative of infections should be:

(a) Permanently notifiable in the same manner as the provisional notification requirement;

(b) Permanently notifiable in a manner that would use the evaluation results to redesign the notification requirements; or

(c) Deleted from the notifiable conditions system.

(4) The following conditions are provisionally notifiable through the date indicated:

- (a) Autism (through August, 2004);
- (b) Cerebral palsy (through August, 2004);
- (c) Fetal alcohol syndrome/Fetal alcohol effects (through August, 2004);
- (d) Hepatitis B, chronic - Initial diagnosis, and previously unreported prevalent cases (through August, 2004);
- (e) Hepatitis C - Initial diagnosis, and previously unreported prevalent cases (through August, 2004);
- (f) Herpes simplex (initial genital infection, only) (through August, 2004); and
- (g) Streptococcus, Group A (invasive disease only - indicated by blood, spinal fluid or other normally sterile site) (through August, 2004).

(5) The department shall have the authority to declare an emergency and institute notification requirements under the provisions of RCW 34.05.350.

NEW SECTION

WAC 246-101-101 Notifiable conditions and the health care provider. This section describes the conditions that Washington's health care providers must notify public health authorities of on a state-wide basis. The board finds that the conditions in the table below (Table HC-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. Principal health care providers shall notify public health authorities of these conditions as individual case reports using procedures described throughout this chapter. Other health care providers in attendance shall notify public health authorities of the following notifiable conditions, unless the condition notification has already been made. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-105, 246-101-110, 246-101-115, and 246-101-120 also include requirements for how notifications shall be made, when they shall be made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HC-1 (Conditions Notifiable by Health Care Providers)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days	√	
Animal Bites	Immediately	√	
Asthma, occupational	Monthly		√
Birth Defects – Autism (<i>Provisional through August, 2004</i>)	Monthly		√

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Birth Defects – Cerebral Palsy (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Fetal Alcohol Syndrome/Fetal Alcohol Effects (<i>Provisional through August, 2004</i>)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	Immediately	√	
Campylobacteriosis	Within 3 work days	√	
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	
Disease of suspected foodborne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected waterborne origin (communicable disease clusters only)	Immediately	√	
Encephalitis, viral	Within 3 work days	√	
Enterohemorrhagic <i>E. coli</i> such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen + pregnant women	Within 3 work days	√	

Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis C – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Herpes simplex, neonatal and genital (initial infection only) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Pesticide poisoning (all other)	Within 3 work days		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Including use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	

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Streptococcus, Group A, Invasive (Indicated by blood, spinal fluid or other normally sterile site) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

NEW SECTION

WAC 246-101-105 Duties of the health care provider. Health care providers shall:

(1) Notify the local health department where the patient resides (in the event that patient residence cannot be determined, notify the local health department where the health care providers practice) regarding:

(a) Cases or suspected cases of notifiable conditions specified as notifiable to local health departments in Table HC-1;

(b) Cases of conditions designated as notifiable by the local health officer within that health officer's jurisdiction;

(c) Outbreaks or suspected outbreaks of disease. These patterns include, but are not limited to, suspected or confirmed outbreaks of chickenpox, influenza, viral meningitis, nosocomial infection suspected due to contaminated food products or devices, or environmentally related disease;

(d) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and

(e) Name, address, and other pertinent information for any case, suspected case or carrier refusing to comply with prescribed infection control measures.

(2) Notify the department of health of conditions designated as notifiable to the local health department when:

(a) A local health department is closed or representatives of the local health department are unavailable at the time a case or suspected case of an immediately notifiable condition occurs;

(b) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

(3) Notify the department of pesticide poisoning that is fatal, causes hospitalization or occurs in a cluster.

(4) Notify the department as specified in Table HC-1 regarding cases of notifiable conditions specified as notifiable to the department.

(5) Assure that positive cultures and preliminary test results for notifiable conditions of specimens referred to laboratories outside of Washington for testing are correctly notified to the local health department of the patient's residence or the department as specified in Table Lab-1. This requirement can be satisfied by:

(a) Arranging for the referral laboratory to notify either the local health department, the department, or both; or

(b) Forwarding the notification of the test result from the referral laboratory to the local health department, the department, or both.

(6) Cooperate with public health authorities during investigation of:

(a) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

(b) An outbreak or suspected outbreak of disease.

(7) Provide adequate and understandable instruction in disease control measures to each patient who has been diagnosed with a case of a communicable disease, and to contacts who may have been exposed to the disease.

(8) Maintain responsibility for deciding date of discharge for hospitalized tuberculosis patients.

(9) Notify the local health officer of intended discharge of tuberculosis patients in order to assure appropriate outpatient arrangements are arranged.

NEW SECTION

WAC 246-101-110 Means of notification. (1) Conditions designated as:

(a) Immediately notifiable must be reported by telephone or by secure facsimile copy of a written case report to the

local health officer or the department as specified in Table HC-1;

(b) Notifiable within three working days must be reported by written case report or secure facsimile copy to the local health officer or department as specified in Table HC-1; and

(c) Notifiable on a monthly basis must be reported by written case report or secure facsimile copy to the local health officer or the department as specified in Table HC-1.

(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to local health departments.

(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department.

NEW SECTION

WAC 246-101-115 Content of notifications. (1) For each condition listed in Table HC-1, health care providers must provide the following information for each case or suspected case:

- (a) Name;
- (b) Address;
- (c) Telephone number;
- (d) Date of birth;
- (e) Sex;
- (f) Diagnosis or suspected diagnosis of disease or condition;
- (g) Pertinent laboratory data, if available;
- (h) Name and address or telephone number of the principal health care provider;
- (i) Name and address or telephone number of the person providing the report; and
- (j) Other information as the department may require on forms generated by the department.

(2) The local health officer or state health officer may require other information of epidemiological or public health value.

(3) The department may exempt health care providers from reporting responsibilities under this chapter for conditions notifiable within three work days and monthly notifiable conditions if:

(a) A standard electronic data interchange occurs between the health carrier or third-party payor, or the health information clearinghouse and the data interchange consists of a standard electronic claims form approved for use by regulation of the United States Department of Health and Human Services;

(b) The department has developed the capacity to receive copies of the standard electronic claims form;

(c) The health care provider has arranged for the health carrier or third-party payor, or the health information clearinghouse to deliver a copy of the standard electronic claims form to the department;

(d) The information for each case or suspected case includes substantially the same information described in subsection (1) of this section; and

(e) The information is received by the department within time periods specified in WAC 246-101-110.

NEW SECTION

WAC 246-101-120 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential.

(2) Health care providers who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(3) Health care providers with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Health care providers may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient. This means that information shared impacts the care or treatment decisions concerning the patient; and the health care provider requires the information for the patient's benefit.

(ii) Health care providers responsible for office management are authorized to permit access to a patient's medical information and medical record by medical staff or office staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(c) Health care providers conducting a clinical HIV research project shall report the identity of an individual participating in the project unless:

(i) The project has been approved by an institutional review board; and

(ii) The project has a system in place to remind referring health care providers of their reporting obligations under this chapter.

(4) Health care providers shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

NEW SECTION

WAC 246-101-201 Notifiable conditions and laboratories. This section describes the conditions about which Washington's laboratories must notify public health authorities of on a state-wide basis. The board finds that the conditions in the table below (Table Lab-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. The board also finds that submission of specimens for many of these conditions will further prevent the spread of disease. Laboratory directors shall notify public health authorities of positive cultures and preliminary test results as individual case reports and

PROPOSED

provide specimen submissions using procedures described throughout this chapter. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, and 246-101-230 also include

requirements for how notifications and specimen submissions are made, when they are made, the content of these notifications and specimen submissions, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table Lab-1 (Conditions Notifiable by Laboratory Directors)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
Blood Lead Level	Elevated Levels – 2 Days Nonelevated Levels – Monthly		√	
Botulism (Foodborne)	Immediately	√		Serum and Stool - If available, submit suspect foods (2 days)
Botulism (Infant)	Immediately	√		Stool (2 days)
Botulism (Wound)	Immediately	√		Culture, Serum, Debrided tissue, or Swab sample (2 days)
Brucellosis (<i>Brucella</i> species)	2 days	√		Subcultures (2 days)
CD4+ (T4) lymphocyte counts less than 200 and/or CD4+ (T4) percents less than fourteen percent of total lymphocytes (patients aged thirteen or older)	Monthly	Only when the local health department is designated by the Department of Health	√	
<i>Chlamydia trachomatis</i> infection	2 days	√		
Cholera	Immediately	√		Culture (2 days)
Cryptosporidiosis	2 days	√		
Cyclosporiasis	2 days	√		Specimen (2 days)
Diphtheria	2 days	√		Culture (2 days)
Disease of Suspected Bioterrorism Origin (examples): • Anthrax • Smallpox	Immediately	√		Culture (2 days)
Enterohemorrhagic <i>E. coli</i> such as <i>E. coli</i> O157:H7 Infection	2 days	√		Culture (2 days)
Gonorrhea	2 days	√		
Hepatitis A (IgM positive)	2 days	√		

PROPOSED

Human immunodeficiency virus (HIV) infection (including positive Western Blot assays, P24 antigen or viral culture tests)	2 days	Only when the local health department is designated by the Department of Health	√ (Except King County)	
Human immunodeficiency virus (HIV) infection (positive results on HIV nucleic acid tests (RNA or DNA))	Monthly	Only when the local health department is designated by the Department of Health	√ (Except King County)	
Listeriosis	2 days	√		
Measles (rubeola)	Immediately	√		Serum (2 days)
Meningococcal disease	2 days	√		Culture (Blood/CSF or other sterile sites) (2 days)
Pertussis	2 days	√		
Plague	Immediately	√		Culture or other appropriate clinical material (2 days)
Rabies (human or animal)	Immediately	√ (Pathology Report Only)		Tissue or other appropriate clinical material (Upon request only)
Salmonellosis	2 days	√		Culture (2 days)
Shigellosis	2 days	√		Culture (2 days)
Syphilis				Serum (2 days)
Tuberculosis	2 days		√	Culture (2 days)
Tuberculosis (Antibiotic sensitivity for first isolates)	2 days		√	
Tularemia				Culture or other appropriate clinical material (2 days)
Other rare diseases of public health significance	Immediately	√		

PROPOSED

Additional notifications that are requested but not mandatory include:

(1) Laboratory directors may notify either local health departments or the department or both of other laboratory results including hepatitis B and hepatitis C through cooperative agreement.

(2) Laboratory directors may submit malaria cultures to the state public health laboratories.

NEW SECTION

WAC 246-101-205 Responsibilities and duties of the laboratory director. Laboratory directors shall:

(1) Notify the local health department where the patient resides (in the event that patient residence cannot be deter-

mined, notify the local health department where the laboratory is located) regarding:

(a) Positive cultures and preliminary test results of notifiable conditions specified as notifiable to the local health department in Table Lab-1.

(b) Positive cultures and preliminary test results of conditions specified as notifiable by the local health officer within that health officer's jurisdiction.

(2) If the laboratory is unable to determine the local health department of the patient's residence, the laboratory director shall notify the local health department in which the health care provider that ordered the laboratory test is located.

(3) Notify the department of health of conditions designated as notifiable to the local health department when:

(a) A local health department is closed or representatives of the local health department are unavailable at the time a positive culture or preliminary test results of an immediately notifiable condition occurs;

(b) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

(4) Notify the department of positive cultures and preliminary test results for conditions designated notifiable to the department in Table Lab-1.

(5) Notify the department of nonelevated blood lead levels on a monthly basis.

(6) Submit specimens for conditions noted in Table Lab-1 to the Washington state public health laboratories or other laboratory designated by the state health officer for diagnosis, confirmation, storage, or further testing.

(7) Ensure that positive cultures and preliminary test results for notifiable conditions of specimens referred to other laboratories for testing are correctly notified to the correct local health department or the department. This requirement can be satisfied by:

(a) Arranging for the referral laboratory to notify either the local health department, the department, or both; or

(b) Forwarding the notification of the test result from the referral laboratory to the local health department, the department, or both.

(8) Cooperate with public health authorities during investigation of:

(a) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

(b) An outbreak or suspected outbreak of disease.

(9) Laboratory directors may designate responsibility for working and cooperating with public health authorities to certain employees as long as designated employees are:

(a) Readily available; and

(b) Able to provide requested information in a timely manner.

NEW SECTION

WAC 246-101-210 Means of specimen submission.

Required laboratory specimen submissions as outlined in Table Lab-1 shall be forwarded within two days. Laboratories shall follow the procedures below in submitting specimens:

(1) Laboratories located in King County shall forward required specimen submissions (except tuberculosis cultures) to:

Public Health Seattle and King County - Laboratory
325 9th Avenue
Box 359973
Seattle, WA 98104-2499

(2) Laboratories located in King County shall forward required tuberculosis cultures to:

Washington State Public Health Laboratories
Washington State Department of Health
1610 NE 150th Street

Seattle, WA 98155

(3) Laboratories located outside of King County shall forward all required specimen submissions to:

Washington State Public Health Laboratories
Washington State Department of Health
1610 NE 150th Street
Seattle, WA 98155

(4) The state health officer may designate additional laboratories as public health referral laboratories.

NEW SECTION

WAC 246-101-215 Content of documentation accompanying specimen submission. For each condition listed in Table Lab-1, laboratory directors must provide the following information with each specimen submission:

(1) Type of specimen tested;

(2) Name of reporting laboratory;

(3) Telephone number of reporting laboratory;

(4) Date specimen collected;

(5) Requesting health care provider's name;

(6) Requesting health care provider's phone number or address, or both;

(7) Test result;

(8) Name of patient (if available), or patient identifier otherwise;

(9) Sex of patient (if available);

(10) Date of birth of patient (if available);

(11) Address of patient (if available);

(12) Telephone number of patient (if available);

(13) Other information of epidemiological value (if available).

NEW SECTION

WAC 246-101-220 Means of notification for positive cultures or preliminary test results. (1) Conditions designated as:

(a) Notifiable within two days must be reported by written case report or secure facsimile copy to the local health officer or the department as specified in Table Lab-1 within two working days; and

(b) Notifiable on a monthly basis must be reported by written case report or secure facsimile copy to the local health officer or the department as specified in Table Lab-1.

(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to local health departments.

(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department.

NEW SECTION

WAC 246-101-225 Content of notifications for positive cultures or preliminary test results. (1) For each con-

dition listed in Table Lab-1, laboratory directors must provide the following information for each positive culture or suggestive test result:

- (a) Type of specimen tested;
- (b) Name of reporting laboratory;
- (c) Telephone number of reporting laboratory;
- (d) Date specimen collected;
- (e) Date specimen received by reporting laboratory;
- (f) Requesting health care provider's name;
- (g) Requesting health care provider's phone number or address, or both;
- (h) Test result;
- (i) Name of patient (if available), or patient identifier otherwise;
- (j) Sex of patient (if available);
- (k) Date of birth or age of patient (if available); and
- (l) Other information of epidemiological value (if available).

(2) Local health officers and the state health officer may require laboratory directors to report other information of epidemiological or public health value.

(3) The department may exempt health care providers from reporting responsibilities under this chapter for conditions notifiable within three work days and monthly notifiable conditions if:

(a) A standard electronic data interchange occurs between the health carrier or third-party payor or the health information clearinghouse and the data interchange consists of a standard electronic claims form approved for use by regulation of the United States Department of Health and Human Services;

(b) The department has developed the capacity to receive copies of the standard electronic claims form;

(c) The health care provider has arranged for the health carrier or third-party payor or the health information clearinghouse to deliver a copy of the standard electronic claims form to the department;

(d) The information for each case or suspected case includes substantially the same information described in subsection (1) of this section; and

(e) The information is received by the department within time periods specified in WAC 246-101-220.

NEW SECTION

WAC 246-101-230 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential. The Washington state public health laboratories, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient-identifying information shall maintain the confidentiality of identifying information accompanying submitted laboratory specimens.

(2) Laboratory directors shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

(3) Laboratory directors and personnel working in laboratories who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identi-

fying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(4) Laboratory directors and personnel working in laboratories with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Laboratory directors and personnel working in laboratories may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient. This means that information shared impacts the care or treatment decisions concerning the patient; and the laboratory director or personnel working in the laboratory requires the information for the patient's benefit.

(ii) Laboratory directors are authorized to permit access to a patient's medical information and medical record by laboratory staff or office staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

NEW SECTION

WAC 246-101-301 Notifiable conditions and health care facilities. This section describes the conditions that Washington's health care facilities must notify public health authorities of on a state-wide basis. The board finds that the conditions in the table below (Table HF-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction. Health care facilities are required to notify public health authorities of cases that occur in their facilities. Health care facilities may choose to assume the notification for their health care providers for conditions designated in Table HF-1. Health care facilities may not assume the reporting requirements of laboratories that are components of the health care facility. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC sections 246-101-305, 246-101-310, 246-101-315, and 246-101-320 also include requirements for how notifications shall be made, when they are made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HF-1 (Conditions Notifiable by Health Care Facilities)

PROPOSED

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days		√
Animal Bites	Immediately	√	
Asthma, occupational	Monthly		√
Birth Defects – Abdominal Wall Defects (inclusive of gastroschisis and omphalocele)	Monthly		√
Birth Defects – Autism (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Cerebral Palsy (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Down Syndrome	Monthly		√
Birth Defects – Fetal Alcohol Syndrome/Fetal Alcohol Effects (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Hypospadias	Monthly		√
Birth Defects – Limb reductions	Monthly		√
Birth Defects – Neural Tube Defects (inclusive of anencephaly and spina bifida)	Monthly		√
Birth Defects – Oral Clefts (inclusive of cleft lip with/without cleft palate)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately		√
Brucellosis (<i>Brucella</i> species)	Immediately		√
Cancer (<i>See chapter 246-430 WAC</i>)	Monthly		√
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	

Disease of suspected food-borne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected water-borne origin (communicable disease clusters only)	Immediately	√	
Encephalitis, viral	Within 3 work days	√	
Enterohemorrhagic <i>E. coli</i> such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
Gunshot wounds (nonfatal)	Monthly		√
<i>Haemophilus influenzae</i> type B (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen+ pregnant women	Within 3 work days	√	
Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis C – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	

PROPOSED

Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	
Streptococcus, Group A Invasive (Indicated by blood, spinal fluid or other normally sterile site) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

NEW SECTION**WAC 246-101-305 Duties of the health care facility.**

Health care facilities shall:

(1) Notify the local health department where the patient resides (in the event that patient residence cannot be determined, notify the local health department where the health care facility is located) regarding:

(a) Cases of notifiable conditions specified as notifiable to the local health department in Table HF-1 that occur or are treated in the health care facility.

(b) Cases of conditions specified as notifiable by the local health officer within that health officer's jurisdiction that occur or are treated in the health care facility.

(c) Suspected cases of notifiable conditions for conditions that are designated immediately notifiable that occur or are treated in the health care facility.

(d) Outbreaks or suspected outbreaks of disease that occur or are treated in the health care facility. These patterns include, but are not limited to, suspected or confirmed outbreaks of chickenpox, influenza, viral meningitis, nosocomial infection suspected due to contaminated products or devices, or environmentally related disease. Reports of outbreaks and suspected outbreaks of disease are to be made to the local health officer.

(e) Known barriers which might impede or prevent compliance with orders for infection control or quarantine; and

PROPOSED

(f) Name, address, and other pertinent information for any case, suspected case or carrier refusing to comply with prescribed infection control measures.

(2) Notify the department of health of conditions designated as notifiable to the local health department when:

(a) A local health department is closed or representatives of the local health department are unavailable at the time a case or suspected case of an immediately notifiable condition occurs;

(b) A local health department is closed or representatives of the local health department are unavailable at the time an outbreak or suspected outbreak of communicable disease occurs.

(3) Notify the department as specified in Table HF-1 regarding cases of notifiable conditions specified as notifiable to the department.

(4) Notify the department of cancer incidence as required by chapter 246-430 WAC.

(5) Ensure that positive cultures and preliminary test results for notifiable conditions of specimens referred to laboratories outside of Washington for testing are correctly notified to the correct local health department as specified in Table Lab-1. This requirement can be satisfied by:

(a) Arranging for the referral laboratory to notify either the local health department, the department, or both; or

(b) Receiving the test result from the referral laboratory, and forwarding the notification to the local health department, the department, or both.

(6) Cooperate with public health authorities during investigation of:

(a) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and

(b) An outbreak or suspected outbreak of disease.

(7) Provide adequate and understandable instruction in disease control measures to each patient who has been diagnosed with a case of a communicable disease, and to contacts who may have been exposed to the disease.

(8) Maintain an infection control program as described in WAC 246-320-265.

(9) Health care facilities may assume the burden of notification for health care providers practicing within the health care facility where more than one health care provider is in attendance for a patient with a notifiable condition.

(10) Health care facilities may not assume the burden of notification for laboratories within the health care facility. Laboratories within a health care facility must submit specimens to the Washington state public health laboratories and notify public health authorities of notifiable conditions as specified in Table Lab-1.

NEW SECTION

WAC 246-101-310 Means of notification. (1) Conditions designated as:

(a) Immediately notifiable must be reported by telephone or by secure facsimile copy of a written case report to the local health officer or the department as specified in Table HF-1;

(b) Notifiable within three working days must be reported by written case report or secure facsimile copy to the

local health officer or department as specified in Table HF-1; and

(c) Notifiable on a monthly basis must be reported by written case report or secure facsimile copy to the local health officer or the department as specified in Table HF-1.

(2) The local health officer may authorize notifications by telephone or secure electronic transmission for cases and suspect cases of notifiable conditions specified as notifiable to local health departments.

(3) The state health officer may authorize notifications by telephone or secure electronic transmission for cases and suspected cases of notifiable conditions specified as notifiable to the department.

NEW SECTION

WAC 246-101-315 Content of notifications. (1) For each condition listed in Table HF-1, health care facilities must provide the following information for each case or suspected case:

(a) Name;

(b) Address;

(c) Telephone number;

(d) Date of birth;

(e) Sex;

(f) Diagnosis or suspected diagnosis of disease or condition;

(g) Pertinent laboratory data (if available);

(h) Name and address or telephone number of the principal health care provider;

(i) Name and address or telephone number of the person providing the report; and

(j) Other information as the department may require on forms generated by the department.

(2) The local health officer or state health officer may require other information of epidemiological or public health value.

(3) The department may exempt health care facilities from reporting responsibilities under this chapter for conditions notifiable within three work days and monthly notifiable conditions if:

(a) A standard electronic data interchange occurs between the health carrier or third-party payor or the health information clearinghouse, and the data interchange consists of a standard electronic claims form approved for use by regulation of the United States Department of Health and Human Services;

(b) The department has developed the capacity to receive copies of the standard electronic claims form;

(c) The health care facility has arranged for the health carrier or third-party payor or the health information clearinghouse to deliver a copy of the standard electronic claims form to the department;

(d) The information for each case or suspected case includes substantially the same information described in subsection (1) of this section; and

(e) The information is received by the department within time periods specified in WAC 246-101-310.

NEW SECTION

WAC 246-101-320 Handling of case reports and medical information. (1) All records and specimens containing or accompanied by patient identifying information are confidential.

(2) Personnel in health care facilities who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(3) Personnel in health care facilities with knowledge of a person with sexually transmitted disease, and following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall under RCW 70.24.105(6), use only the following customary methods for exchange of medical information:

(i) Health care providers may exchange medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient.

(ii) This means that information shared impacts the care or treatment decisions concerning the patient; and the health care provider requires the information for the patient's benefit.

(4) Personnel responsible for health care facility management are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those persons permitted access under this section of the requirement to maintain confidentiality of such information as defined under this section and chapter 70.24 RCW. Professional duties means the following or functionally similar activities:

(a) Medical record or chart audits;

(b) Peer reviews;

(c) Quality assurance;

(d) Utilization review purposes;

(e) Research as authorized under chapters 42.48 and 70.02 RCW;

(f) Risk management; and

(g) Reviews required under federal or state law or rules.

(5) Personnel responsible for health care facility management are authorized to permit access to a patient's medical information and medical record by medical staff or health care facility staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(6) Health care facilities conducting a clinical HIV research project shall report the identity of an individual participating in the project unless:

(a) The project has been approved by an institutional review board; and

(b) The project has a system in place to remind referring health care providers of their reporting obligations under this chapter.

(7) Health care facilities shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

NEW SECTION

WAC 246-101-401 Notifiable conditions and the responsibilities and duties of others. WAC 246-101-405, 246-101-410, 246-101-415, 246-101-420, and 246-101-425 describe the responsibilities and duties of veterinarians, food service establishments, child day care centers, schools, and the general public regarding notifiable conditions and their obligations to cooperate with public health authorities during the investigation of cases, suspected cases, outbreaks and suspected outbreaks.

NEW SECTION

WAC 246-101-405 Responsibilities of veterinarians. Veterinarians shall:

(1) Notify the local health officer of any suspected case or suspected outbreak of any disease listed in Table HC-1 that is transmissible from animals to humans. Examples of these zoonotic diseases include:

(a) Anthrax;

(b) Brucellosis;

(c) Encephalitis, viral;

(d) Plague;

(e) Rabies;

(f) Psittacosis;

(g) Tuberculosis; and

(h) Tularemia.

(2) Cooperate with public health authorities in the investigation of cases and suspected cases, or outbreaks and suspected outbreaks of zoonotic disease.

(3) Cooperate with public health authorities in the implementation of infection control measures including isolation and quarantine.

NEW SECTION

WAC 246-101-410 Responsibilities of food service establishments. The person in charge of a food service establishment shall:

(1) Notify the local health department of potential foodborne disease as required in WAC 246-215-260.

(2) Cooperate with public health authorities in the investigation of cases and suspected cases, or outbreaks and suspected outbreaks of foodborne or waterborne disease. This includes the release of the name and other pertinent information about food handlers diagnosed with a communicable disease as it relates to a foodborne or waterborne disease investigation.

(3) Not release information about food handlers with a communicable disease to other employees or the general public.

NEW SECTION

WAC 246-101-415 Responsibilities of child day care facilities. Child day care facilities shall:

(1) Notify the local health department of cases or suspected cases, or outbreaks and suspected outbreaks of notifi-

able conditions that may be associated with the child day care facility.

(2) Consult with a health care provider or the local health department for information about the control and prevention of infectious or communicable disease, as necessary.

(3) Cooperate with public health authorities in the investigation of cases and suspected cases, or outbreaks and suspected outbreaks of disease that may be associated with the child day care facility.

(4) Child day care facilities shall establish and implement policies and procedures to maintain confidentiality related to medical information in their possession.

NEW SECTION

WAC 246-101-420 Responsibilities of schools.

Schools shall:

(1) Notify the local health department of cases or suspected cases, or outbreaks and suspected outbreaks of disease that may be associated with the school.

(2) Cooperate with the local health department in monitoring influenza.

(3) Consult with a health care provider or the local health department for information about the control and prevention of infectious or communicable disease, as necessary.

(4) Cooperate with public health authorities in the investigation of cases and suspected cases, or outbreaks and suspected outbreaks of disease that may be associated with the school.

(5) Personnel in schools who know of a person with a notifiable condition shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

(6) Schools shall establish and implement policies and procedures to maintain confidentiality related to medical information in their possession.

NEW SECTION

WAC 246-101-425 Responsibilities of the general public. (1) Members of the general public shall:

(a) Cooperate with public health authorities in the investigation of cases and suspected cases, or outbreaks and suspected outbreaks of notifiable conditions or other communicable diseases; and

(b) Cooperate with the implementation of infection control measures, including isolation and quarantine.

(2) Members of the general public may notify the local health department of any case or suspected case, or outbreak or potential outbreak of communicable disease.

NEW SECTION

WAC 246-101-501 Notifiable conditions and local health departments. This section describes the authorities and responsibilities of local health officers and local health departments in collecting, analyzing, investigating and transmitting case information from notifiable conditions case reports.

NEW SECTION

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

(1) Review and determine appropriate action for:

(a) Each reported case or suspected case of a notifiable condition;

(b) Any disease or condition considered a threat to public health;

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and

(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.

(2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

(3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

(4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider:

(a) If possible, prior to initiating a case investigation by the local health department; and

(b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:

(i) The principal health care provider cannot be identified; or

(ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;

(7) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

(8) Conduct investigations and institute control measures consistent with those indicated in the seventeenth edition, 2000 of *Control of Communicable Diseases Manual*, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:

(a) When superseded by more up-to-date measures; or

(b) When other measures are more specifically related to Washington state;

(9) The local health department may receive data through any cooperative relationship negotiated by the local health department and any health care provider, laboratory, or health care facility;

(10) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

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(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

NEW SECTION

WAC 246-101-510 Means of notification. Local health departments shall:

(1) Notify the department immediately by telephone or secure electronic data transmission of any notification of a case or suspected case of:

- (a) Botulism;
- (b) Cholera;
- (c) Disease of suspected bioterrorism origin (examples: Anthrax, plague, smallpox);
- (d) Hemolytic uremic syndrome;
- (e) Measles;
- (f) Paralytic shellfish poisoning;
- (g) Poliomyelitis; and
- (h) Unexplained critical illness or death.

(2) Immediate notifications of cases and suspected cases must include:

- (a) Name;
- (b) Condition; and
- (c) Onset date.

(3) Notify the department immediately by telephone or secure electronic data transmission of any notification of an outbreak or suspected outbreak of foodborne or waterborne or other communicable disease.

(4) For outbreaks or suspected outbreaks of foodborne or waterborne disease, notifications must include:

- (a) Organism or suspected organism;
- (b) Source or suspected source; and
- (c) Number of persons affected.

(5) Submit a written case report either on a form provided by the department or in a format approved by the department for each case of any condition notifiable to the local health department, except animal bites, within seven days of completing the case investigation. The department may waive this requirement if telephone or secure electronic data transmission provided pertinent information.

(6) Local health officials will report asymptomatic HIV infection cases to the department according to a standard code developed by the department.

(7) For any case not immediately notifiable to the department forward pertinent information collected on the case investigation for each case of any condition notifiable to the local health department to the department if the case investigation is not complete within twenty-one days of notification, including:

- (a) Name;
- (b) Condition or suspected condition;
- (c) Source or suspected source; and
- (d) Onset date.

(8) Submit a written report on forms provided by the department or in a format approved by the department for an outbreak of any notifiable condition within seven days of completing the investigation. The department may waive this requirement if telephone or secure electronic data transmission provided pertinent information.

NEW SECTION

WAC 246-101-515 Handling of case reports and medical information. (1) Local health officers or local health departments shall establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(a) To employees of the local health department, or other official agencies needing to know for the purpose of administering public health laws and these regulations;

(b) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control;

(2) Local health officers shall require and maintain signed confidentiality agreements with all health department employees with access to identifying information related to a case or suspected case of a person diagnosed with a notifiable condition. The agreements will be renewed at least annually and will include reference to criminal and civil penalties for violation of chapters 70.02 and 70.24 RCW and other administrative actions that may be taken by the local health department.

(3) Local health departments may release statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

NEW SECTION

WAC 246-101-520 Special conditions—AIDS and HIV. (1) The local health officer and local health department personnel shall maintain individual case reports for AIDS and HIV as confidential records consistent with the requirements of this section. The local health officer and local health department personnel shall:

(a) Use identifying information on HIV-infected individuals only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention.

(b) Destroy case report identifying information on asymptomatic HIV-infected individuals received as a result of this chapter within three months of receiving a complete case report.

(c) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing

identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(d) Not disclose identifying information received as a result of this chapter unless:

(i) Explicitly and specifically required to do so by state or federal law; or

(ii) Authorized by written patient consent.

(2) Local health department personnel are authorized to use HIV identifying information obtained as a result of this chapter only for the following purposes:

(a) Notification of persons with substantial exposure, including sexual or syringe-sharing partners;

(b) Referral of the infected individual to social and health services; and

(c) Linkage to other public health data bases, provided that the identity or identifying information on the HIV-infected person is not disclosed outside of the health department.

(3) Public health data bases do not include health professions licensing records, certifications or registries, teacher certification lists, other employment rolls or registries, or data bases maintained by law enforcement officials.

(4) Local health officials will report asymptomatic HIV infection cases to the state health department according to a standard code developed by the state health department.

(5) Local health officers shall require and maintain signed confidentiality agreements with all health department employees with access to HIV identifying information. These agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapter 70.24 RCW and other administrative actions that may be taken by the department.

(6) Local health officers shall investigate potential breaches of the confidentiality of HIV identifying information by health department employees. All breaches of confidentiality shall be reported to the state health officer or their designee for review and appropriate action.

NEW SECTION

WAC 246-101-525 Special condition—Influenza. Local health departments shall:

(1) Maintain a surveillance system for influenza during the appropriate season which may include:

(a) Monitoring of excess school absenteeism;

(b) Sample check with health care providers, clinics, nursing homes, and hospitals regarding influenza-like illnesses; and

(c) Monitoring of workplace absenteeism and other mechanisms.

(2) Encourage submission of appropriate clinical specimens from a sample of patients with influenza-like illness to the Washington state public health laboratories or other laboratory approved by the state health officer.

NEW SECTION

WAC 246-101-601 Notifiable conditions and the department of health. This section describes the authorities and responsibilities of the department of health in collecting, analyzing, investigation and transmitting case information from notifiable conditions case reports.

NEW SECTION

WAC 246-101-605 Duties of the department. The department shall:

(1) Provide consultation and technical assistance to local health departments and the department of labor and industries investigating notifiable conditions reports upon request.

(2) Provide consultation and technical assistance to health care providers, laboratories, health care facilities, and others required to make notifications to public health authorities of notifiable conditions upon request.

(3) Develop and distribute forms for the submission of notifiable conditions data to local health departments, health care providers, laboratories, health care facilities, and others required to make notifications to public health authorities of notifiable conditions.

(4) Maintain a twenty-four hour department telephone number for reporting notifiable conditions. That telephone number is (206) 361-2904.

(5) Develop routine data dissemination mechanisms that describe and analyze notifiable conditions case investigations and data. These may include annual and monthly reports and other mechanisms for data dissemination as developed by the department.

(6) Conduct investigations and institute control measures consistent with those indicated in the seventeenth edition, 2000 of *Control of Communicable Diseases Manual*, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:

(a) When superseded by more up-to-date measures; or

(b) When other measures are more specifically related to Washington state.

(7) Document the known environmental, human, and or other variables associated with a case or suspected case of pesticide poisoning.

(8) Report the results of the pesticide investigation to the principal health care provider named in the case report form and to the local health officer in whose jurisdiction the exposure has occurred.

(9) The department may receive data for notifiable conditions or other diseases and conditions through any cooperative relationship negotiated by the department and any health care provider, laboratory, or health care facility.

(10) The department may consolidate reporting for notifiable conditions from any health care provider, laboratory, or health care facility, and relieve that health care provider, laboratory, or health care facility from reporting directly to each local health department, if the department can provide the report to the local health department within the same time as the local health department would have otherwise received it.

PROPOSED

NEW SECTION

WAC 246-101-610 Handling of case reports and medical information. (1) The state health officer or designee shall establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(a) To employees of the local health department, or other official agencies needing to know for the purpose of administering public health laws and these regulations.

(b) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control.

(2) The department shall require and maintain signed confidentiality agreements with all department employees, contractors, and others with access to identifying information related to a case or suspected case of a person diagnosed with a notifiable condition. These agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapters 70.02 and 70.24 RCW and other administrative actions that may be taken by the department.

NEW SECTION

WAC 246-101-615 Requirements for data dissemination. The department shall:

(1) Distribute periodic epidemiological summary reports and an annual review of public health issues to local health officers and local health departments.

(2) Make available any data or other documentation in its possession for notifiable conditions reported directly to the department to local health officers or their designees upon execution of a data sharing agreement within two days of request.

(3) Distribute case reports for notifiable conditions designated as notifiable to the local health department received through standard electronic data interchange as described in WAC 246-101-115 and 246-101-315 immediately.

(4) Periodically distribute statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

NEW SECTION

WAC 246-101-620 Requirements for notification to the department of labor and industries. The department shall:

(1) Make notifiable conditions reports where the department of labor and industries has a lead role in conducting the case investigation available within twenty-four hours of receipt by the department.

(2) Make other data necessary to conduct case investigations or epidemiological summaries available within two days of a request from the department of labor and industries.

(3) Execute a data sharing agreement with the department of labor and industries prior to implementation of this chapter.

NEW SECTION

WAC 246-101-625 Content of notifications to the department of labor and industries. Unless otherwise prohibited by law, the department shall make available any data in its possession in sharing data as described in WAC 246-101-615, 246-101-620, and 246-101-625.

NEW SECTION

WAC 246-101-630 Special condition—Antibiotic resistant disease. The department shall:

(1) Maintain a surveillance system for monitoring antibiotic resistant disease that may include:

(a) Development of a sentinel network of laboratories to provide information regarding antibiotic resistant disease; and

(b) Sample checks with health care providers, clinics, and hospitals regarding antibiotic resistant disease.

(2) Encourage submission of appropriate clinical specimens from a sample of patients with antibiotic resistant disease to the Washington state public health laboratories or other laboratory approved by the state health officer.

NEW SECTION

WAC 246-101-635 Special conditions—AIDS and HIV. The following provisions apply for the use of AIDS and HIV notifiable conditions case reports and data:

(1) Department personnel shall not disclose identifying information received as a result of receiving information regarding a notifiable conditions report of a case of AIDS or HIV unless:

(a) Explicitly and specifically required to do so by state or federal law; or

(b) Authorized by written patient consent.

(2) Department personnel are authorized to use HIV identifying information received as a result of receiving information regarding a notifiable conditions report of a case of AIDS or HIV only for the following purposes:

(a) Notification of persons with substantial exposure, including sexual or syringe-sharing partners;

(b) Referral of the infected individual to social and health services; and

(c) Linkage to other public health data bases, provided that the identity or identifying information on the HIV-infected person is not disclosed outside of the health department.

(3) For the purposes of this chapter, public health data bases do not include health professions licensing records, certifications or registries, teacher certification lists, other employment rolls or registries, or data bases maintained by law enforcement officials.

(4) The state health officer shall require and maintain signed confidentiality agreements with all department employees with access to HIV identifying information. These agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapter 70.24 RCW and other administrative actions that may be taken by the department.

(5) The state health officer shall investigate potential breaches of the confidentiality of HIV identifying information by department employees. All breaches of confidentiality shall be reported to the state health officer or their authorized representative for review and appropriate action.

(6) When providing technical assistance to a local health department, authorized representatives of the department may temporarily and subject to the time limitations in WAC 246-101-525(2) receive the names of reportable cases of asymptomatic HIV infection for the purpose of HIV surveillance, partner notification, or special studies. Upon completion of the activities by representatives of the state health department, named information will be:

(a) Provided to the local health department subject to the provisions of WAC 246-101-525(2); and

(b) Converted to code and maintained as code only until the person is diagnosed with AIDS.

(7) Within twelve months of the effective date of the HIV infection notification system (by September 1, 2000), established in this chapter, the state health officer, in cooperation with local health officers, will report to the board on:

(a) The ability of the reporting system to meet surveillance performance standards established by the federal Centers for Disease Control and Prevention;

(b) The cost of the reporting system for state and local health departments;

(c) The reporting system's effect on disease control activities; and

(d) The impact of HIV reporting on HIV testing among persons at increased risk of HIV infection.

NEW SECTION

WAC 246-101-640 Special condition—Birth defects.

The department shall enter into a data sharing agreement with the office of the superintendent of public instruction to access data from data bases maintained by the superintendent containing student health information for the purpose of identifying cases of autism or other conditions of public health interest.

NEW SECTION

WAC 246-101-701 Notifiable conditions and the department of labor and industries. This section describes the authorities and responsibilities of the department of labor and industries in collecting, analyzing, investigating and transmitting case information from notifiable conditions case reports.

NEW SECTION

WAC 246-101-705 Duties of the department of labor and industries. (1) The department of labor and industries shall:

(a) Provide consultation and technical assistance to local health departments and the department investigating notifiable conditions reports;

(b) Provide consultation and technical assistance to health care providers, laboratories, health care facilities, and

others required to make notifications to public health authorities of notifiable conditions upon request;

(c) Provide technical assistance to businesses and labor organizations for understanding the use of notifiable conditions data collected and analyzed by the department of labor and industries; and

(d) Develop routine data dissemination mechanisms that describe and analyze notifiable conditions case investigations and data. These may include annual and monthly reports and other mechanisms for data dissemination as developed by the department of labor and industries.

(2) The department of labor and industries may receive data through any cooperative relationship negotiated by the department of labor and industries and any health care provider, laboratory, or health care facility.

NEW SECTION

WAC 246-101-710 Handling of case reports and medical information.

(1) The department of labor and industries shall establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(a) To employees of the local health department, the department, or other official agencies needing to know for the purpose of administering public health laws and these regulations; and

(b) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for occupational condition prevention and control.

(2) The department of labor and industries shall require and maintain signed confidentiality agreements with all employees, contractors, and others with access to identifying information related to a case or suspected case of a person diagnosed with a notifiable condition. Such agreements will be renewed at least annually and include reference to criminal and civil penalties for violation of chapter 70.02 RCW, other chapters of pertinent state law, and other administrative actions that may be taken by the department of labor and industries.

(3) The department of labor and industries may release statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

NEW SECTION

WAC 246-101-715 Requirements for data dissemination. The department of labor and industries shall:

(1) Distribute periodic epidemiological summary reports and an annual review of public health issues to local health officers and local health departments.

(2) Make available case investigation documentation for notifiable conditions reported directly to the department to local health officers or their designees upon execution of a data sharing agreement.

NEW SECTION

WAC 246-101-720 Requirements for notification to local health departments. The department of labor and industries shall make data and other pertinent information described in WAC 246-101-715 available to local health departments within two days of a request.

NEW SECTION

WAC 246-101-725 Requirements for notification to the department of health. The department of labor and industries shall:

- (1) Make other data necessary to conduct case investigations or epidemiological summaries available within two days of a request from the department.
- (2) Execute a data sharing agreement with the department prior to implementation of this chapter.

NEW SECTION

WAC 246-101-730 Special condition—Hospitalized burns. The department of labor and industries shall maintain a surveillance system for monitoring hospitalized burns that may include:

- (1) Development of a sentinel network of burn treatment centers and hospitals to provide information regarding hospitalized burns; and
- (2) Sample checks with health care providers, clinics, and hospitals regarding hospitalized burns.

WSR 00-12-103
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)
 [Filed June 7, 2000, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-028.

Title of Rule: Consolidated juvenile services programs.

Purpose: This rule prescribes minimum standards for the consolidated juvenile services programs. RCW 13.06.030 requires that the Department of Social and Health Services adopt this rule.

Statutory Authority for Adoption: RCW 13.06.030.

Statute Being Implemented: RCW 13.06.030.

Summary: This rule is being amended to reflect new program standards and remove language that exists in the contracts with county juvenile courts. This rule is also being migrated from chapter 275-35 WAC to chapter 388-710 WAC.

Reasons Supporting Proposal: The governor's and Department of Social and Health Services secretary's executive orders require that the rule be reviewed for simplification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: M. Kathleen McBride, P.O. Box 45720, Olympia, WA, (360) 902-8092.

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 rule amends and updates the minimum standards set for the consolidated juvenile services program. The new rule will more accurately reflect the current program implementation.

Proposal Changes the Following Existing Rules: The proposed amendments eliminate language, which is duplicated in contracts. The proposal reflects current standards for consolidated juvenile services programs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule only impacts contracts with counties.

RCW 34.05.328 does not apply to this rule adoption. This rule adoption is not a substantive rule change. The rule relates only to internal governmental operations that are not subject to violation by a nongovernmental party. This rule is also dictated by statute.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 30, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 11, 2000.

Date of Intended Adoption: No sooner than July 12, 2000.

May 30, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

Chapter 388-710 WAC**CONSOLIDATED JUVENILE SERVICES PROGRAMS**NEW SECTION

WAC 388-710-0005 Definitions. "Administration" means activities and costs necessary for management and support of a consolidated juvenile services program.

"Application" means the document requesting state funds for specific projects under the consolidated juvenile services program.

"Community input" means information received from local entities which must include, unless impracticable: Providers, judges, law enforcement, juvenile court staff, social service agencies, schools, tribes, organizations representing communities of color, as well as other persons with an interest in juvenile justice. An existing advisory group, commit-

PROPOSED

tee, or public forum may be used to gather input provided such groups include representation from the entities listed above.

"Director" means the director of the division of community programs/juvenile rehabilitation administration or his or her designee.

"Division" means the division of community programs of the juvenile rehabilitation administration.

"Outcome" means specific changes in the lives of youth and families which lead to a decrease in recidivism.

"Participating county" means a county or counties applying under this chapter.

"Program administrator" or **"administrator"** means the person designated to administer the consolidated juvenile services program in the juvenile court.

"Project" means a specific intervention or program performed as a part of consolidated juvenile services.

"Project supervisor" or **"supervisor"** means a person designated to supervise a project or projects in the consolidated juvenile services program.

"Regional administrator" means the regional administrator of one of the division's six administrative regions, or his or her designee.

NEW SECTION

WAC 388-710-0010 Establishment of a consolidated juvenile services program. (1) Request to participate.

A request by a county or group of counties to participate under this chapter must include a signed resolution or letter of intent submitted to the regional administrator by the executive body expressing intent to participate. The request must include a statement that consolidated juvenile services funds will not be used to replace county funds for existing programs. For those counties with juvenile detention facilities, the counties must include a statement indicating standards of operation as outlined under RCW 13.06.050 are in place.

(2) Program planning process and approval.

(a) Each participating county must develop a program application for the delivery of services and must agree to comply with the provisions of this chapter.

(b) The application must incorporate community input and respond to community comments, which must include but not be limited to:

(i) Efforts to identify and utilize existing community services;

(ii) Appropriate linkage to and support from other elements of the existing juvenile justice, education, and social service systems to reduce or eliminate barriers to effective family centered service delivery;

(iii) Efforts to address racial disproportionality; and

(iv) Efforts to address issues specific to the Americans with Disabilities Act as it relates to client and family service delivery.

(c) Written guidelines and instructions for the application must be provided by the division. The application must be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector

resources within regional boundaries and must be submitted to the regional administrator for review and approval.

(d) The division may provide technical assistance in the development of the application.

NEW SECTION

WAC 388-710-0015 General provisions. (1) Access to services and use of existing community resources. Program administrators must ensure all juveniles participating in the program have access to appropriate services, activities, and opportunities.

(2) All juveniles served by projects covered under this chapter must be afforded judicial due process in all contacts, especially those which may result in a more restrictive intervention.

NEW SECTION

WAC 388-710-0020 Organization. The organizational structure of the program is the prerogative of the juvenile court participating under this chapter and must not be dictated by these standards.

NEW SECTION

WAC 388-710-0025 Administration. (1) Administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities and outcomes.

(2) Administrators or supervisors must meet at least annually with the regional administrator to review progress toward the achievement of outcomes.

(3) Case records and management information.

(a) Juvenile offender records must minimally contain a case plan, based upon assessed factors related to risk to reoffend, methods of intervention and a termination/closing report summarizing case activity and outcomes.

(b) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(c) Administrators and/or supervisors must provide necessary statistical data to maintain the division's management information system and must maintain sufficient data to evaluate program effectiveness and outcomes.

(4) Change in project.

(a) Modification of a project requires the advance written approval of the regional administrator.

(b) The administrator must send written notification to the regional administrator prior to the movement of funds between programs. The regional administrator must confirm in writing all notifications received.

(c) Contract amendments must be processed through the juvenile rehabilitation administration regional office and are necessary when:

(i) Total contract budget amounts are increased or decreased;

(ii) A project is added or deleted;

PROPOSED

(iii) The total number of full-time employees in the consolidated programs increases from the original contract number.

(5) Each participating county must ensure program staff receive training necessary to implement programs covered under this chapter.

NEW SECTION

WAC 388-710-0030 Monitoring of performance and evaluation of program impact. (1) It is the responsibility of the administrator to submit monthly reports, annual narrative reports, corrective action plans and reports, and other reports as specified in the division's application, budget, and monitoring instructions to the regional administrator.

(2) The regional administrator must submit to the director a biennial report of each program.

(3) The regional administrator, may at any time, request a formal program/project or fiscal audit and may also request other available technical services to assist in monitoring and evaluating the program/projects.

NEW SECTION

WAC 388-710-0035 Distribution of funds and fiscal management. Funding constraints.

(1) Funds for programs covered by this chapter must be utilized for the achievement of the outcomes stated for each project.

(2) Failure on the part of any project to perform in accordance with the provisions of this chapter may result in the termination or reduction of funds.

(3) The administrator is responsible for the management of all fiscal matters related to the program. The program must comply with state and local policies and procedures, the terms and conditions of the contract, and the application, budget, and monitoring instructions as outlined by the juvenile rehabilitation administration.

NEW SECTION

WAC 388-710-0040 Exceptions to rules. The juvenile court may request in writing to the director a waiver of the specific requirements of this chapter when the imposition of such requirements can be shown to be detrimental or impractical to overall program operations. The director must consider each waiver request individually and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-35-010 Authority.

WAC 275-35-020 Definitions.

WAC 275-35-030	Establishment of a consolidated juvenile services program.
WAC 275-35-040	General provisions.
WAC 275-35-050	Organization.
WAC 275-35-060	Administration.
WAC 275-35-070	Monitoring of performance and evaluation of program impact.
WAC 275-35-080	Distribution of funds and fiscal management.
WAC 275-35-100	Exceptions to rules.

PROPOSED

WSR 00-12-023

EXPEDITED ADOPTION

DEPARTMENT OF TRANSPORTATION

[Filed May 26, 2000, 11:03 a.m.]

Title of Rule: WAC 468-38-290 Farm implements.

Purpose: Describes the unique requirements and exemptions related to moving over-dimensional farm implements, as defined in RCW 46.44.140.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.140.

Summary: The rule, as adopted May 9, 2000, references an exemption to certain criteria in WAC 468-38-110 regarding the need for escort vehicle operators to be certified. Due to an amendment to WAC 468-38-110, the referenced criteria was moved from subsections (16)(a) and (b) to subsection (17).

Reasons Supporting Proposal: The amendment maintains the original intent of WAC 468-38-290 by referencing the appropriate criteria in WAC 468-38-110 at its new location.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 664-9497; and Enforcement: Capt. Colleen McIntyre, Olympia, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes the unique requirements and exemptions to other rule related to moving over-dimensional farm implements, as defined in RCW 46.44.140, on the state highways.

Proposal Changes the Following Existing Rules: The amendment changes a specific reference in WAC 468-38-110 from subsections (16)(a) and (b) to subsection (17). The change is needed to maintain the original intent of the reference in WAC 468-38-290. The change is due to an amendment in WAC 468-38-110 that changed the location of the criteria referenced in WAC 468-38-290.

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 Barry Diseth, Washington Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, AND RECEIVED BY August 7, 2000.

May 26, 2000

Gerald E. Smith, P.E.
Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 199, filed 5/10/00, effective 6/10/00)

WAC 468-38-290 Farm implements. (1) A farm implement includes any device that directly affects the production of agricultural products, including fertilizer and chemical applicator rigs and equipment auxiliary to them. For purposes of this section, it must weigh less than forty-five thousand pounds, be less than twenty feet in width, and move on pneumatic tires, or solid rubber tracks having protuberances that will not hurt the highway, when on public highways.

(2) Self-propelled farm implements, including a farm tractor pulling no more than two implements (no vehicle capable of carrying a load may pull more than one trailing implement, i.e., a truck of any kind) up to sixteen feet wide are exempt from acquiring a special motor vehicle permit for movement: Provided, That the movement of the implement(s) complies with the following safety requirements:

(a) Oversize signs: If the farm implement exceeds ten feet wide, it must display an "oversize load" sign(s) visible to both oncoming and overtaking traffic. Signs must comply with the requirements of WAC 468-38-190. If the implement is both preceded and followed by escort vehicles a sign will not be required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must also comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement, moving during daylight hours, exceeds ten feet wide, the vehicle configuration must display clean, bright red flags at least twelve inches square, so as to wave freely at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If the transported implement exceeds the end of the trailer by more than four feet, one flag is required at the extreme rear, also, if the width of the protrusion exceeds two feet, there shall be required two flags at the rear of the protrusion to indicate the maximum width.

(d) Warning lights: Lamps, and other lighting must be in compliance with RCW 46.37.160 Hazard warning lights and reflectors on farm equipment—Slow moving vehicle emblem. The slow moving vehicle emblem is for equipment moving at a speed of twenty-five miles per hour or less.

(e) Convoys: Farm implement convoys shall maintain at least five hundred feet between vehicles to allow the traveling public room to pass safely. If five or more vehicles become lined up behind an implement, escorted or unescorted, the driver/operator of the transported implement, and escorts, if any, shall pull off the road at the first point wide enough to allow traffic to pass safely. Convoying of farm implements is permitted with properly equipped escort vehicles.

(f) Escort vehicles: In general, the use of escort vehicles must comply with WAC 468-38-110 Escort vehicle requirements and WAC 468-38-100, which covers when escort vehicles are required. The following specific exemptions are provided:

(i) A farmer, farm implement dealer, or agri-chemical dealer (including employees of each) is exempt from WAC

468-38-110 (5)(a) and (b), (6) relative to passengers, WAC 468-38-110 (11)(e), and ~~((16)(a) and (b))~~ (17) when moving a farm implement off of the interstate and on the following rural interstate segments:

I-90 between Exit 109 (Ellensburg) and Exit 270 (Tyler);

I-82 between junction with I-90 (Ellensburg) and Exit 31 (Yakima);

I-82 between Exit 37 (Union Gap) and the Washington/Oregon border;

I-182 between junction with I-82 (West Richland) and junction with SR-395;

I-5 between Exit 208 (near Marysville) and Exit 250 (near Bellingham).

(ii) On two-lane highways, one escort vehicle must precede the implement(s) and one escort vehicle must follow the implement(s) when the width exceeds twelve and one-half feet wide; implements not exceeding twelve and one-half feet wide are exempt from using escort vehicles.

(iii) On multiple-lane highways, one escort in the rear is required if the vehicle exceeds fourteen feet wide.

(iv) A flagperson(s) may be used in lieu of an escort(s) for moves of less than five hundred yards. This allowance must be stated on any permit that may be required for the move.

(g) Road posting: Posting a route may be used in lieu of escort vehicles if the route to be traveled is less than two miles. Signs reading "**oversize vehicle moving ahead**" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background, shall be placed at points before the oversize implement enters or leaves the highway and at any entry points along the way. The signs must be removed immediately after the move has been completed.

(3) Farm implements exceeding sixteen feet wide, but not more than twenty feet wide, are required to have a special motor vehicle permit for movement on state highways. A quarterly or annual permit may be purchased by a farmer, or any person engaged in the business of selling and/or maintaining farm implements, to move within a designated area, generally three to four counties. The permit is required to be physically present at the time of movement. In addition to the safety requirements listed in subsection (2) of this section, notification of a move should be made to all Washington department of transportation maintenance areas affected by the move, to determine if the route is passable. Phone listings are provided with each permit.

WSR 00-12-052
EXPEDITED ADOPTION
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 5, 2000, 1:37 p.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend rules for commercial fish harvest on Columbia River.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Amends rules for sturgeon, salmon and smelt harvest on Columbia River.

Reasons Supporting Proposal: The states of Washington and Oregon, through the Columbia River Compact, have made recommendations to modify gear requirements, allow possession of nets aboard vessels and disallow sturgeon gaffing.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A maximum mesh size for sturgeon gear and a prohibition on gaffing in the nontreaty fishery will protect undersized and oversized fish. Treaty Indian sturgeon gear and size allowances are made the same as for non-Indians. These gear and size allowances protect sturgeon broodstock fish. Nontreaty salmon rules are modified to prevent diver gear except in the Tongue Point area. Smelt and salmon nontreaty fishers are allowed to have sturgeon, smelt and salmon nets aboard while fishing. These rules allow fishers to fish more effectively, while not adversely impacting other fisheries.

Proposal does not change existing rules. Commercial fishing gear changes.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Rules Coordinator, Washington State Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY August 7, 2000.

June 5, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 82-142, filed 9/21/82)

WAC 220-32-057 Season—Sturgeon. (1) It is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H except ~~((as provided for in this section:~~

~~(4)))~~ individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with setline gear from ~~((12:00 noon~~

August)) January 1 ((-1982 to 12:00 noon)) through January ((15, 1983)) 31, and during seasons opened under emergency rule by the department and as provided in this section.

(2) ~~((Set line gear is limited to not more than 100 hooks per setline.~~

~~(3) Minimum hook size is 9/0 and treble hooks are prohibited.))~~ During the open season:

(a) It is unlawful to retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length:

(b) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to the sale of the sturgeon to a wholesale dealer licensed under chapter 75.28 RCW, or to sell or barter sturgeon eggs at retail; or

(c) To deliver to a wholesale dealer licensed under chapter 75.28 RCW any sturgeon that are not in the round with the head and tail intact.

(3) Gear:

(a) Maximum 100 hooks per setline;

(b) Minimum hook size 9/0;

(c) Treble hooks prohibited;

(d) Visible buoys required with operator name and tribal identification clearly marked on the buoy.

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-010 Salmon. It is unlawful to fish for salmon in the lower Columbia River for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for salmon if it does not exceed 1,500 feet in length along the cork line ~~((and)), it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line. ((Gill net gear includes trammel nets.))~~

(2) It is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area.

(3) From December 1 through March 31 it is lawful for salmon fishers to have smelt or sturgeon gill nets aboard while fishing for salmon.

Fishing periods

~~((2))~~ (4) The lower Columbia River is closed to commercial salmon fishing, except as provided by emergency rule of the director.

General

~~((3))~~ (5) Unless otherwise specified by emergency rule of the director, the following areas of the lower Columbia River remain closed during open salmon fishing periods:

(a) All tributaries flowing into the lower Columbia River.

(b) Grays Bay sanctuary.

(c) Elokomina-A sanctuary.

(d) Cowlitz sanctuary.

(e) Kalama-A sanctuary.

(f) Lewis-A sanctuary.

(g) Washougal sanctuary.

(h) Big Creek sanctuary.

(i) Gnat Creek sanctuary.

(j) Sandy River sanctuary.

AMENDATORY SECTION (Amending Order 97-51, filed 3/14/97, effective 4/14/97)

WAC 220-33-020 Sturgeon. It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line, it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line. ((Gill net gear includes trammel nets.))

(2) From December 1 through March 31 it is lawful for sturgeon fishers to have salmon or smelt gill nets aboard while fishing for sturgeon.

Fishing periods

~~((2))~~ (3) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

General

~~((3))~~ (4) Sturgeon smaller or greater than the size limits provided for in WAC 220-20-020 may not be retained for commercial purposes and shall be returned immediately to the water. All sturgeon in transit must not have the head or tail removed.

~~((4))~~ (5) A person engaged in commercial fishing may retain one sturgeon of legal commercial length for personal use.

~~((5))~~ (6) Sturgeon eggs may not be removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

~~((6))~~ (7) The head or tail may not be removed from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300 and delivered to a fish processing plant.

~~((7))~~ (8) A sturgeon carcass with head and tail removed and retained at a fish processing plant must be at least 28 inches in length.

(9) It is unlawful to gaff sturgeon.

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-040 Smelt. It is unlawful to fish for smelt in the lower Columbia River for commercial purposes or to possess smelt taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Otter trawl gear may be used to fish for smelt if:

(a) The head rope of the trawl does not exceed 25 feet in length.

(b) The foot rope or groundline of the trawl does not exceed 25 feet in length.

(c) The dimensions of the trawl's otter doors do not exceed 3 feet by 4 feet.

(d) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, does not exceed 35 feet.

(e) The bridal rope from the rear of the otter doors to the foot and head ropes does not exceed 8 feet.

(f) Each breast rope does not exceed 5 feet.

(g) The mesh size used in the trawl does not exceed 2 inches stretch measure.

(h) Only one trawl net is fished from the boat at a time.

(2) Gill net gear may be used to fish for smelt if it does not exceed 1,500 feet in length along the cork line and the mesh size of the net does not exceed 2 inches stretch measure. ((Gill net gear includes trammel nets.))

(3) Hand dip net gear may be used to fish for smelt if it does not measure more than 36 inches across the bag frame.

(4) From December 1 through March 31 it is lawful for smelt fishers to have salmon or sturgeon gill nets aboard while fishing for smelt.

Fishing periods

((4)) (5) Otter trawl gear may be used to fish for smelt in SMCRA 1A from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31, and for boats not exceeding 32 feet in length, in SMCRA 1B, 1C, 1D and 1E 7 days per week from December 1 through March 31 of the following year.

((5)) (6) Gill net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E 7 days per week from December 1 of each year through March 31 of the following year.

((6)) (7) Hand dip net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E and tributaries to these areas 7 days per week from December 1 of each year through March 31 of the following year.

((7)) (8) The following areas of the lower Columbia River remain closed to smelt fishing during the open time periods specified in this section:

(a) Those waters within one mile of a dam or other obstruction.

(b) Those waters of the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.

WSR 00-12-100
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 7, 2000, 11:33 a.m.]

Title of Rule: Safety requirements for charter boats, chapter 296-115 WAC.

Purpose: **Chapter 296-115 WAC, Safety requirements for charter boats**, the 1999 legislature enacted chapter 111, Laws of 1999 (HB 1996) requiring the Department of Labor and Industries to adopt rules relating to charter boat safety. HB 1996 amends chapter 88.04 RCW, as well as chapter 296-115 WAC, Safety requirements for charter boats. The proposed amendments change the provisions for drydock inspections to a sixty-month cycle from a twenty-four-month cycle. In addition, the proposal will update terms and references, update language, and be written and edited for clarity. Throughout, the word "shall" has been replaced by "must" and/or "will" for clarity. No new requirements are added.

WAC 296-115-001 Foreword.

- Updates revision date of chapter 88.04 RCW and specifies C.F.R. parts with which it is consistent.

WAC 296-115-005 Scope and application.

- Edits language for clarity.

WAC 296-115-010 Appeal of decisions.

- Identifies the "maritime specialist in policy and technical services" and specifies its place in the appeal process.

WAC 296-115-015 Definitions applicable to all sections of this chapter.

- Removes the words "inland navigable" from definition of "charter boat."
- Removes "marine and dock section" from definitions.
- Adds "maritime specialist in P&TS" to definitions.
- Removes "safety factor" from definitions.
- Removes "shall" from definitions.

WAC 296-115-025 Vessel inspection and licensing.

- Corrects misspelling of the word "general."

WAC 296-115-030 Master's examination and licensing.

- Replaces "incompetency" with "incompetence" as a basis for departmental recommendation for license suspension or revocation.

WAC 296-115-035 Specific inspection requirements.

- Adds language requiring drydocking at intervals not to exceed sixty months.
- Removes outdated references.

WAC 296-115-040 Construction and arrangement.

- Removes outdated references or replaces them with the words "applicable United States Coast Guard standards."

WAC 296-115-050 General requirements.

- Removes outdated references or replaces them with the words "applicable USCG standards."
- Adds the word "accomplished" to subsection (12)(d) to correct a typographical error.

WAC 296-115-060 Operations.

- Removes outdated references and terminology.

Statutory Authority for Adoption: Chapter 88.04 RCW.

Statute Being Implemented: Chapter 88.04 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting:

Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

State-Initiator Citation: Chapter 111, Laws of 1999 (HB 1996).

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

Proposal Changes the Following Existing Rules: See Purpose 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 Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY August 8, 2000.

June 7, 2000

Gary Moore
Director

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-001 Foreword. This chapter is adopted to implement chapter 88.04 RCW as revised in ~~((1979))~~ 1999. The purpose of these rules is to set reasonable guidelines and requirements to provide for the safety and health of passengers and crew on board passenger vessels. It is intended that these rules will be ~~((at least as effective as))~~ consistent with the rules adopted by the United States Coast Guard under 46 CFR Parts 166 to 199. ~~((This chapter is therefore adopted in cooperation with the United States Coast Guard.))~~

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-115-005 Scope and application. (1) This chapter ~~((shall))~~ will apply to vessels for hire that carry seven or more passengers when the vessels are operated in ~~((inland))~~ waters within the jurisdiction of the state of Washington. These rules ~~((shall))~~ do not apply to vessels in the

navigable waters of the United States subject to the jurisdiction of the United States Coast Guard.

(2) Pursuant to chapter 88.04 RCW, the director of the department of labor and industries ~~((shall))~~ will administer this chapter. ~~((The director is authorized to use the services of the marine dock section to administer this chapter.))~~

(3) All rules adopted by the United States Coast Guard pertaining to inland water passenger vessel service and navigation on inland waters ~~((shall be directly applicable and administered as a part of))~~ will be applied to this chapter unless they conflict with specific provisions of this chapter or chapter 88.04 RCW.

(4) Special consideration. In applying the provisions of this section, the director may allow departures from the specific requirements when special circumstances or arrangements warrant such departures. ~~((46 CFR 175.25-1))~~

(5) The provisions of this chapter ~~((shall))~~ do not apply to:

(a) A vessel that is a charter boat but is being used by the documented or registered owner of the charter boat exclusively for the owner's own noncommercial or personal pleasure purposes;

(b) A vessel owned by a person or corporate entity which is donated and used by a person or nonprofit organization to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(c) A vessel that is rented, leased, or hired by an operator to transport passengers for noncommercial or personal pleasure purposes;

(d) A vessel used exclusively for, or incidental to, an educational purpose; or

(e) A bare boat charter boat.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-010 Appeal of decisions. (1) Any person aggrieved by a decision of the ~~((marine dock section))~~ Maritime Specialist in Policy & Technical Services (P&TS) may appeal the decision to the director within fifteen working days after receipt of the decision.

(2) The director ~~((shall))~~ will give the ~~((chief of the marine and dock section))~~ Maritime Specialist in P&TS notice of the appeal ~~((and shall give the chief)).~~ The Maritime Specialist in P&TS will have ten working days to comment in writing. At the discretion of the director, an informal conference may be held with all affected parties invited to participate.

(3) The director ~~((shall))~~ must issue a determining order within twenty working days of the receipt of the appeal or within ten working days following conclusion of an informal conference.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-115-015 Definitions applicable to all sections of this chapter.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

"Approved" - approved by the director; however, if a provision of this chapter states that approval by an agency or organization other than the department such as nationally recognized testing laboratories or the United States Coast Guard is required, then approval by the specified authority shall be accepted.

"Authorized person" - a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

"Bare boat" charter means the unconditional lease, rental, or charter of a boat by the owner, or his or her agent, to a person who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement or contract, except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel.

"Carrying passengers or cargo" means the transporting of any person or persons or cargo on a vessel for a fee or other consideration.

"CFR" - Code of Federal Regulations.

"Charter boat" means a vessel or barge operating on ((inland navigable)) waters of the state of Washington which is not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

"Commercial" - any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

"Competent person" - one who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

"Confined space" - means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and
- (3) Is not designed for continuous employee occupancy.

"Defect" - any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

"Department" - the department of labor and industries.

"Director" - the director of the department of labor and industries, or his/her designated representative.

"Employer" - any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons, the essence of which is the personal labor of such persons. Any person, partnership, or business entity that

has no employees, and is covered by the Industrial Insurance Act shall be considered both an employer and an employee.

"Enclosed space" - means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

"Equipment" means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

"Hazard" - a condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

"Hazardous substance" - a substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

"Inspection" - the examination of vessels by the director or an authorized representative of the director.

~~("Marine and dock section" - the chief and staff of the marine and dock section, department of labor and industries.)~~ "Maritime Specialist in P&TS" - technical and operations specialist in maritime issues located in the department of labor and industries' policy and technical services section.

"Passenger" - any person or persons, carried on board a vessel in consideration of the payment of a fee or other consideration.

"Port" - left hand side of a vessel as one faces the bow.

"Starboard" - right hand side of a vessel as one faces the bow.

"Power driven vessel" - any vessel propelled by machinery.

"Qualified" - one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve problems relating to the subject matter, the work, or the project.

~~("Safety factor" - the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.)~~

"Safety and health standard" - a standard that requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

~~("Shall" - the provision of the standard is mandatory.)~~

"Should" - recommended.

"Substantial" - constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock, and usage.

"Standard safeguard" - a device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached.

Standard safeguards shall be constructed of either metal, wood, other suitable material, or a combination of these. The

final determination of the sufficiency of any safeguard rests with the director.

"Suitable" - that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Under way" - a vessel is not at anchor, or made fast to the shore, or aground.

"USCG" - United States Coast Guard.

"United States Coast Guard Navigation" - rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.

"Vessel" means every description of motorized watercraft, other than a bare boat charter boat, seaplane, or sailboat, used or capable of being used to transport more than six passengers or cargo on water for rent, lease, or hire.

"Working day" - a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended. The time within which an act is to be done under the provisions of this chapter shall be computed by excluding the first working day and including the last working day.

"Worker," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context indicates otherwise - an employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-025 Vessel inspection and licensing.

(1) The department ((shall)) must inspect all vessels to ensure they are safe and seaworthy at least once each year. The department may also inspect a vessel if requested to do so by the owner, operator, or master of the vessel, and after an explosion, fire, or any other accident involving the vessel.

(2) The department may inspect a vessel upon receipt of a complaint from any person or, in the discretion of the department, at any other time.

(3) The department ((shall)) will charge the owner of a vessel a fee for each certification or recertification inspection. This fee ((shall)) will be determined by the director. (See WAC 296-115-120 for fee schedule.)

(4) After the department has inspected a vessel and it is satisfied the vessel is safe and seaworthy, the department ((shall)) will issue a certificate of inspection for that vessel. The certificate ((shall)) will be valid for one year after the date of inspection.

(5) The certificate ((shall)) must set forth the date of the inspection, the names of the vessel and the owner, the number of lifeboats and life preservers required, the number of passengers allowed, and any other information the department may by rule require.

(6)(a) If at any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of this chapter, the department may refuse to issue a certificate of

inspection until the deficiencies have been corrected and may cancel any certificate of inspection currently issued.

(b) The department ((shall)) must give the owner of the vessel a written statement of the reasons the vessel was found to be unsafe, unseaworthy, or not in compliance with the provisions of this chapter, including a specific reference to the statute or rule with which the vessel did not comply.

(7) An inspector of the department may, upon the presentation of his or her credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection. The inspector ((shall)) must inform the owner, master, operator, or agent in charge that his or her intent is to inspect the vessel.

(8) During the inspection, the inspector ((shall)) must have access to all areas of the vessel. The inspector may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member of or passenger on the vessel.

(9) If any person refuses to allow an inspector to board a vessel for an inspection, or refuses to allow access to any areas of the vessel, the department may request a warrant from the superior court for the county in which the vessel is located. The court ((shall)) will grant the warrant:

(a) If there is evidence that the vessel has sustained a fire, explosion, unintentional grounding, or has been involved in any other accident;

(b) If there is evidence that the vessel is not safe or seaworthy; or

(c) Upon a showing that the inspection furthers a general administrative plan for enforcing the safety requirements of the act.

(10) The owner or master of a vessel ((shall)) must post the certificate of inspection behind glass in a conspicuous area of the vessel.

(11) No person ((shall)) will operate a passenger vessel if the vessel does not have a valid certificate of inspection.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-115-030 Master's examination and licensing.

(1) The registered owner of passenger vessels or barges for hire is responsible to obtain an operator's license from the United States Coast Guard or the department for the master or operator of each vessel. A physical examination will be required.

(2) The department ((shall)) will penalize any person who acts as a master or operator on a vessel without having first received a United States Coast Guard or department license, or without having a valid license in his or her possession, or upon a vessel or class of vessels not specified in the license.

(3) The department may recommend suspension or revocation of a license to the United States Coast Guard for intemperance, ((incompetency)) incompetence, or a negligent, reckless, or willful disregard for duty.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-035 Specific inspection requirements.

(1) Drydocking or hauling out.

Each vessel subject to the provisions in this section ~~((shall))~~ **must** be drydocked or hauled out at intervals not to exceed ~~((twenty-four))~~ **sixty** months and the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers ~~((shall))~~ **must** be examined to determine that these items are in satisfactory condition. ~~((Refer to 46 CFR 176.15.))~~

(2) At the annual inspection the ~~((marine dock))~~ inspector ~~((shall))~~ **must** view the vessel afloat and conduct the following tests and inspections of the hull:

(a) Hull exterior and interior, bulkheads, and weather deck.

(b) Examine and test by operation all watertight closures in the hull, decks, and bulkheads.

(c) Inspect all railings and bulwarks and their attachment to the hull.

(d) Inspect weathertight closures above the weather deck and drainage or water from exposed decks and superstructure. ~~((Refer to 46 CFR 176.25-5.))~~

(3) At the annual inspection the ~~((marine dock))~~ inspector ~~((shall))~~ **will** examine and test the following items:

(a) Main propulsion machinery.

(b) Engine starting system.

(c) Engine control mechanisms.

(d) Auxiliary machinery.

(e) Fuel systems.

(f) Sea valves and bulkhead closure valves.

(g) Bilge and drainage systems.

(h) Electrical system, including circuit protection. ~~((Refer to 46 CFR 176.25-10 and 176.25-15.))~~

(4) Lifesaving and fire extinguishing equipment. At each annual inspection the ~~((marine dock))~~ inspector ~~((shall))~~ **must** inspect the life saving and fire extinguishing equipment for serviceability. ~~((Refer to 46 CFR 176.25-20 and 176.25-25.))~~

(5) Miscellaneous systems and equipment. At each annual inspection the marine dock inspector ~~((shall))~~ **must** inspect and test the vessel's steering apparatus, ground tackle, navigation lights, sanitary facilities, pressure vessels, and any other equipment aboard the vessel for serviceability and safety. ~~((Refer to 46 CFR 176.25-35, 176.25-40, and 176.25-45.))~~

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-040 Construction and arrangement.

(1) Application.

(a) The requirements of this section ~~((shall))~~ apply to all vessels contracted for construction on or after June 7, 1979.

(b) Vessels constructed before the effective date of this chapter ~~((shall))~~ **must** be brought into substantial compliance with the requirements of this section. Where deviation exists and strict compliance is impractical, the director may grant a temporary variance to allow a modification or a permanent

variance if the intent of subsection (1)(c) of this section is met.

(c) The intent of the regulations in this part is to provide for a sound, seaworthy vessel, reasonably fit for the service it is intended to provide, and to ensure that the materials, scantlings, fastenings, and workmanship meet this intent. Primary consideration ~~((shall))~~ **must** be given to the provision of a seaworthy hull, protection against fire, means of escape in case of casualty, guards and rails in hazardous places, ventilation of closed spaces, and necessary facilities for passengers and crew.

(2) Hull structure.

(a) In general, compliance with the standards of the United States Coast Guard rules for small passenger vessels or with the standards of a recognized classification society will be considered satisfactory evidence of the structural adequacy of a vessel. ~~((Refer to 46 CFR 177.10.))~~

(b) Special consideration will be given by the director to materials or structural requirements not contemplated by the standards of a recognized classification society.

(3) Watertight integrity and subdivision.

(a) All vessels carrying more than forty-nine passengers shall have a collision bulkhead and watertight bulkheads (or sufficient air tankage or other internal flotation) so the vessel will remain afloat (with positive stability) with any one main compartment flooded.

(b) All watertight bulkheads required by this part ~~((shall))~~ **must** be of substantial construction so as to be able to remain watertight with water to the top of the bulkhead.

(c) Watertight bulkheads ~~((shall))~~ **must** extend intact to the bulkhead deck. Penetrations ~~((shall))~~ **must** be kept to a minimum and ~~((shall))~~ **must** be watertight.

(d) The weather deck on a flush deck vessel ~~((shall))~~ **must** be watertight and ~~((shall))~~ **must** not obstruct overboard drainage.

(e) Cockpits ~~((shall))~~ **must** be watertight except that companionways may be fitted if they are provided with watertight coamings and weathertight doors. Also, ventilation openings may be provided if they are situated as high in the cockpit as possible and the opening height does not exceed two inches.

(f) Cockpits ~~((shall))~~ **must** be self-bailing. The scuppers installed for this purpose ~~((shall))~~ **must** be located so as to be effective considering probable list and trim.

(g) Well decks ~~((shall))~~ **must** be watertight. Freeing ports may be installed if the provisions of ~~((46 CFR 178.30))~~ applicable United States Coast Guard standards are followed.

(h) On vessels operating on protected waters, hatches may be weathertight. All hatches ~~((shall))~~ **must** be provided with covers capable of being secured.

(i) The number of openings in the vessel's sides below the weather deck ~~((shall))~~ **must** be kept to a minimum.

(j) Any openings in a vessel's sides, such as portlights, ~~((shall))~~ **must** comply with ~~((46 CFR 178.40))~~ applicable United States Coast Guard standards.

(4) Stability.

(a) All vessels subject to the provisions of this section ~~((shall))~~ **must** have a stability test, except that the director may dispense with the requirements for a test if he deems that a test is not required, on the basis of sufficient evidence pro-

vided by the owner that the vessel's stability is satisfactory for the service for which it is intended. ((Refer to 46 CFR 179.05-1.))

(b) A letter stating that the vessel has met the stability requirements of this part ((shall)) must be posted in the pilothouse of each vessel. ((Refer to 46 CFR 179.20.))

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-115-050 General requirements. (1) Application.

(a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not exactly comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG. ((Refer to 46 CFR 180.05.))

(3) Lifesaving equipment required.

(a) All vessels carrying passengers ((shall)) must carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus ((shall)) must be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute ((shall)) must have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent. ((Refer to 46 CFR 180.10.))

(f) All vessels ((shall)) must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers ((shall)) must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name. ((Refer to 46 CFR 180.25.))

(h) All vessels ((shall)) must carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy ((shall)) must be carried in a readily accessible location and ((shall)) must be capable of being cast loose at any time. ((Refer to 46 CFR 180.30.))

(4) Fire protection.

(a) The general construction of a vessel ((shall)) must minimize fire hazards. ((Refer to 46 CFR 177.10-5.))

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition ((shall)) must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids ((shall)) must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, ((shall)) must be of a type approved by the USCG or other agency acceptable to the director. ((Refer to 46 CFR 181.05.))

(6) Fire pumps.

(a) All vessels carrying more than forty-nine passengers ((shall)) must carry an approved power fire pump, and all other vessels ((shall)) must carry an approved hand fire pump. These pumps ((shall)) must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump ((shall)) must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size. ((Refer to 46 CFR 181.10.))

(7) Fixed fire extinguishing system.

(a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, ((shall)) must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system ((shall)) must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system ((shall)) must be installed in an accessible location outside the space protected. ((Refer to 46 CFR 181.20.))

(8) Fire axe. All vessels ((shall)) must have one fire axe located in or near the pilothouse. ((Refer to 46 CFR 181.35-1.))

(9) Portable fire extinguishers.

(a) All vessels ((shall)) must have a minimum number of portable fire extinguishers of an approved type. The number required ((shall)) will be determined by the director.

(b) Portable fire extinguishers ((shall)) must be inspected at least once a month. Extinguishers found defective ((shall)) must be serviced or replaced.

(c) Portable fire extinguishers ((shall)) must be serviced at least once a year. The required service ((shall)) must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers ((shall)) must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59007 (4)(c) and Table L-3.

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and ((shaH)) must not be carried on any vessel.

(f) Portable fire extinguishers ((shaH)) must be mounted in brackets or hangers near the space protected. The location ((shaH)) must be marked in a manner satisfactory to the director. ((Refer to 46 CFR 181.30.))

(10) Means of escape.

(a) Except as otherwise provided in this section, all vessels ((shaH)) must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues ((shaH)) must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation.

(a) All enclosed spaces within the vessel ((shaH)) must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means ((shaH)) must be provided to close them.

(b) All crew and passenger space ((shaH)) must be adequately ventilated in a manner suitable to the purpose of the space. ((Refer to 46 CFR 117.20 5.))

(12) Crew and passenger accommodations.

(a) Vessels with crew members living aboard ((shaH)) must have suitable accommodations.

(b) Vessels carrying passengers ((shaH)) must have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating ((shaH)) must be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating ((shaH)) must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long ((shaH)) must be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long ((shaH)) must be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front ((shaH)) must be not less than thirty inches.

(e) Portable or temporary seating may be installed but ((shaH)) must be arranged in general as provided for fixed seating. ((Refer to 46 CFR 177.25 and 177.30.))

(13) Toilet facilities and drinking water.

(a) Vessels ((shaH)) must be provided with toilets and wash basins as specified in WAC 296-24-12007 and 296-24-12009, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins ((shaH)) must be fitted with adequate plumbing. Facilities for men and women ((shaH)) must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.

(c) Potable drinking water ((shaH)) must be provided for all passengers and crew. The provisions of WAC 296-24-12005 shall apply.

(d) Covered trash containers ((shaH)) must be provided in passenger areas. ((Refer to 46 CFR 177.30 5 and 7.))

(14) Rails and guards.

(a) Except as otherwise provided in this section, rails or equivalent protection ((shaH)) must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails ((shaH)) must consist of evenly spaced courses. The spacing ((shaH)) must not be greater than twelve inches except as provided in subdivision (f) of this subsection. The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails ((shaH)) must be at least forty-two inches high. The top rail ((shaH)) must be pipe, wire, chain, or wood and ((shaH)) must withstand at least two hundred pounds of side loading. The space below the top rail ((shaH)) must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails ((shaH)) must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.

(e) Suitable storm rails or hand grabs ((shaH)) must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails ((shaH)) must be installed in the way of all exposed and hazardous places such as gears or machinery. (See WAC 296-24-150 for detailed requirements.) ((Refer to 46 CFR 177.3.))

(15) Machinery installation. ((Refer to 46 CFR 182.))

(a) Propulsion machinery. ((Refer to 46 CFR 182.05.))

(i) Propulsion machinery ((shaH)) must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel ((shaH)) must meet the requirements of ((46 CFR 182.15)) applicable USCG standards.

(iii) Installations using diesel fuel ((shaH)) must meet the requirements of ((46 CFR 182.20)) applicable USCG standards.

(b) Auxiliary machinery and bilge systems. ((Refer to 46 CFR 182.10 and 182.25.))

(i) All vessels ~~((shall))~~ must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more than forty-nine passengers ~~((shall))~~ must have a power operated bilge pump. The source of power ~~((shall))~~ must be independent of the propulsion machinery. Other vessels ~~((shall))~~ must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems. ~~((Refer to 46 CFR 182.30.))~~

(i) All vessels ~~((shall))~~ must be provided with a suitable steering apparatus.

(ii) All vessels ~~((shall))~~ must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by law and regulation.

(iii) All vessels ~~((shall))~~ must be equipped with a suitable number of portable battery lights.

(d) Electrical installations. The electrical installations of all vessels ~~((shall))~~ must be at least equal to ~~((46 CFR 183))~~ applicable USCG standards, or as approved by the director.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-060 Operations. (1) This section ~~((shall apply))~~ applies to all passenger vessel operations within the scope of this chapter.

(2) No person ~~((shall))~~ will rent, lease, or hire out a charter boat, nor carry, advertise for the carrying of, nor arrange for the carrying of, more than six passengers on a vessel for a fee or other consideration on the ~~((inland navigable))~~ waters of the state unless: The vessel is in compliance with the provisions of this chapter.

(3) Notice of casualty. ~~((Refer to 46 CFR 185.15.))~~

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following ~~((shall))~~ must report the incident immediately to the department.

(i) Damage to property in excess of one thousand five hundred dollars.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that incapacitates the person for more than seventy-two hours.

(b) The report ~~((shall))~~ must be in writing to the director and upon receipt of the report the director may request an investigation by a marine dock inspector.

(4) Miscellaneous operating requirements. ~~((Refer to 46 CFR 185.20.))~~

(a) In the case of collision, accident, or other casualty involving a vessel the operator, ~~((shall))~~ must, so far as he can do so without serious danger to his own vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger. He ~~((shall))~~ must also give his name and address and the name of his vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel ~~((shall))~~ must see that the provisions of the certificate of inspection are strictly

adhered to. This ~~((shall))~~ will not be construed as limiting the person in charge from taking any action in an emergency that he deems necessary to help vessels in distress or to prevent loss of life.

(c) Persons operating vessels ~~((shall))~~ must comply with the provisions of the USCG rules of the road for inland waters. ~~((Refer to USCG publication 169.))~~

(d) The operator of a vessel ~~((shall))~~ must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel having a flashpoint of 110°F or lower ~~((shall))~~ must not take on fuel when passengers are on board.

(f) All vessels ~~((shall))~~ must enforce "no smoking" provisions when fueling. Locations on the vessel where flammable or combustible liquids are stored ~~((shall))~~ must be posted "no smoking."

(g) All vessels ~~((shall))~~ must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(h) The persons in charge ~~((shall))~~ must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency.

(i) The carriage of hazardous substances is prohibited on vessels. However, the director may authorize a vessel to carry specific types and quantities of hazardous substances if he deems it necessary.

(j) All areas accessible to passengers or crew ~~((shall))~~ must be kept in a clean and sanitary condition. All walking surfaces ~~((shall))~~ must be free of slipping or tripping hazards and in good repair.

(5) First-aid training. There ~~((shall))~~ must be present or available on all passenger vessels at all times, a person holding a valid certificate of first-aid training.

(6) Valid certification ~~((shall))~~ must be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.

Bleeding control and bandaging.

Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(7) First-aid equipment. A first-aid kit or first-aid room ~~((shall))~~ must be provided on all passenger vessels. The size and quantity of first-aid supplies or equipment required

((shall)) must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies ((shall)) must be in a weatherproof container with individually sealed packages for each type of item. The first-aid station or kit location ((shall)) must be posted on the container.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-070 Rules of navigation. The operation and navigation of all vessels subject to this chapter ((shall)) must be in strict accordance with the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29 as now adopted, or hereafter legally amended by the United States Coast Guard.

(1) A copy of the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.29, ((shall)) must be on board all vessels subject to this chapter at all times when the vessel is under way.

(2) At least annually, where applicable, the operator of each vessel ((shall)) must "swing the vessel" to determine the actual compass readings in relation to true compass headings, and ((shall)) must maintain a record on board the vessel.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-115-100 Violations and setting of penalties. (1) Violations of the mandatory provisions of this chapter ((shall)) will be subject to penalty. The amount of the penalty will be assessed in accordance with the guidelines and fixed schedules contained herein.

(2) Fixed schedule penalties.

(a) Failure to display certificate of inspection as required: Fifty dollars to owner of the vessel.

(b) Operation of vessel in passenger service without a valid certificate of inspection: To owner of vessel, two hundred dollars per violation; to person who operates vessel, one hundred dollars per violation.

(c) Operation of vessel in passenger service while not in possession of valid USCG/state of Washington operator's license: One hundred dollars per violation to owner of vessel.

WSR 00-11-149
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed May 24, 2000, 9:14 a.m.]

Date of Adoption: May 4, 2000.

Purpose: To update SWAPCA 491 to be consistent with chapter 173-491 WAC and to incorporate language similar to that adopted by Oregon DEQ for gasoline marine vessel loading and unloading vapor control requirements and to incorporate annual air-to-liquid testing on all vacuum assisted Stage II systems.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 491-015, 491-020, 491-030, 491-040, and 491-050.

Statutory Authority for Adoption: RCW 70.94.141.

Other Authority: RCW 70.94.165.

Adopted under notice filed as WSR 00-06-005 on February 18, 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 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 22, 2000

Robert D. Elliott
Executive Director

SWAPCA 491
EMISSION STANDARDS AND CONTROLS FOR
SOURCES EMITTING GASOLINE VAPORS

- 491-010 Policy and Purpose
- 491-015 Applicability
- 491-020 Definitions
- 491-030 Registration
- 491-040 Gasoline Vapor Control Requirements
- 491-050 Failures, Certification, Testing and Recordkeeping
- 491-060 Severability

SWAPCA 491-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) It is the policy of the Southwest Air Pollution Control Authority (SWAPCA) under the authority provided in Chapter 70.94.141, 70.94.152 and 70.94.331 RCW to provide for the systematic control of air pollution from air contaminant sources within the jurisdiction of SWAPCA.

(2) It is the purpose of this regulation to establish standards for the control of air contaminants emitted from gasoline marketing and dispensing sources within the jurisdiction of SWAPCA including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

AMENDATORY SECTION

SWAPCA 491-015 Applicability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

This regulation applies to gasoline marketing operations within SWAPCA jurisdiction, including the storage, transport, and transfer of gasoline, transfer from storage tanks into transport tanks, marine vessel loading and unloading, and transfer from storage tanks into motor vehicles. This regulation applies to facilities with above ground and underground storage tanks.

AMENDATORY SECTION

WAC 491-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

The definitions of terms contained in SWAPCA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Bunkering" means, for purpose of this rule, refueling a vessel with a fuel product where the intended use of that gasoline or fuel product is for combustion in the onboard engine of the marine vessel.

(4) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(5) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

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(6) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

((3)7) "Certified vapor recovery system" means a vapor recovery system which has been certified by the California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. SWAPCA may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.

(8) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

((4)9) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20 °C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20 °C) shall be considered "gasoline" for purpose of this regulation.

((5)10) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).

((6)11) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

((7)12) "Leak free" means a liquid leak of less than four drops per minute.

(13) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.

(14) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank(s) into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(15) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.

(16) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

(17) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

(18) "Modified" means any physical change in equipment, or change in the method of operation, of a gasoline dispensing facility, terminal, or loading or unloading facility, that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules

implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

(19) "NAAQS" means National Ambient Air Quality Standard.

(20) "Ozone contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violation of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

(21) "Permanent residence" means a single-family or multi-family dwelling or any other facility designed for use as permanent housing.

((8)22) "SWAPCA" means the Southwest Air Pollution Control Authority.

((9)23) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

((10)24) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

((11)25) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of (upper cut of the bevel on) the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;

- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

((12)26) "Submerged loading" means the filling of a tank with a submerged fill line.

((13)27) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

((14)28) "Throughput" means the amount of material passing through a facility.

((15)29) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

((16)30) "Transport tank" means a container used for shipping gasoline over roadways.

((17)31) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.

((18)32) "Upgraded" means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overflow protection that involved removal of ground or ground cover above a portion of the product piping.

((19)33) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

((20)34) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled

into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((21))35~~ "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((22))36~~ "Vapor-mounted seal" means a primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

~~((23))37~~ "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

~~((24))38~~ "WDOE" or "Ecology" means the Washington Department of Ecology.

~~((25))39~~ "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

AMENDATORY SECTION

SWAPCA 491-030 Registration

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of SWAPCA 491-040 (2) through (5) shall register the facility annually ~~((the facility))~~ with SWAPCA. ~~((Annual registration shall be made by the owner or operator on a form provided by SWAPCA within sixty days of receipt of the form. Such registration form shall require information relevant to determining whether the facility is in compliance with this regulation and be accompanied by the following fee:~~

~~Gasoline loading terminals—five hundred dollars~~

~~Bulk gasoline plants—two hundred dollars~~

~~Gasoline dispensing facilities—one hundred dollars~~

~~Gasoline transport tankers—fifty dollars.~~

~~The amount of the fees collected shall only be used to administer the registration program for facilities subject to this regulation.))~~ Facilities subject to registration under this section shall be assessed fees consistent with and as required in SWAPCA 400-100.

(2) Administration of the registration program shall be consistent with the Registration Program requirements of SWAPCA 400-100. ~~((include:~~

~~(a) Initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution.~~

~~(b) On-site inspections necessary to verify compliance with registration requirements.~~

~~(c) Data storage and retrieval systems necessary for support of the registration program.~~

~~(d) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration.~~

~~(e) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements.~~

~~(f) Clerical and other office support provided in direct furtherance of the registration program.~~

~~(g) Administrative support provided in directly carrying out the registration program.))~~

(3) SWAPCA will provide a written verification of registration to owners or operators of facilities subject to the provisions of SWAPCA 491-040 (2) through ~~((56))~~. Such verification shall be available for inspection by SWAPCA personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility (non-major source) shall maintain total annual gasoline throughput records for the most recent ~~((two))~~ three calendar years. Such records shall be available for inspection by SWAPCA personnel during normal business hours.

AMENDATORY SECTION

SWAPCA 491-040 Gasoline Vapor Control Requirements

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

(1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal storage capacity greater than forty thousand (40,000) gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subparts K, Ka and Kb).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings consistent with 40 CFR 60 subparts Ka and Kb.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

(2) Gasoline loading terminals.

(a) This section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded.

(b) (~~Loading facilities~~.) Facilities loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) (~~Vapor control system (VCS)~~.) The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (35 mg/l) (three hundred twenty-two milligrams per gallon or 322 mg/gal) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants and transport tanks.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993, or when the throughput is exceeded, and gasoline transport tanks.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty (550) gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline that meet all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and

(B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

(4) Gasoline dispensing facilities (Stage I).

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar year basis. All facilities subject to this section shall comply when the throughput is exceeded.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or

bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily. In addition, no owner or operator of a transport tank shall load gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or SWAPCA certified Stage I vapor recovery fittings or equipment.

(f) Only two point Stage I fittings shall be used with vacuum assist type Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from SWAPCA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing"). Results of the testing shall be submitted to SWAPCA within 14 calendar days of testing.

(j) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(5) Gasoline dispensing facilities (Stage II).

(a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline dispensing facilities (~~located in Cowlitz, Lewis, and Wahkiakum Counties with an annual gasoline throughput greater than one million two hundred thousand gallons (1,200,000). For Clark county, this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons (600,000); these facilities shall install Stage II controls by December 31, 1998 or at the time of a facility upgrade (see definition). Skamania County is exempt from Stage II requirements as provided in~~

Substitute House Bill 2376, as passed by the Washington State Legislature in 1996-)) as follows:

(1) For Clark County, all facilities dispensing 600,000 gallons in a calendar year or greater;

(2) For Cowlitz County, all facilities dispensing 1.2 million gallons in a calendar year or greater;

(3) For Lewis, Skamania and Wahkiakum Counties, Stage II vapor control equipment is not required unless the facility exceeds the throughput and distance requirements below:

Gallons Throughput (millions)	Distance to Property Line (meters)
1.5	20
2.0	25
2.5	28
3.0	32
3.5	35
4.0	38
5.0	43
6.0	49
8.0	58
10.0	66
12.0	75
16.0	90
20.0	103
25.0	118

(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of (3) of this subsection shall not apply.

(b) Stage II vapor control equipment may be removed from any gasoline dispensing facility located in Lewis, Wahkiakum or Skamania County as in (a) above, or from any facility in Cowlitz County dispensing less than 1.2 million gallons annually, by submittal of a complete Notice of Construction and receipt of an Order of Approval, provided that the requirements of subsection (a) above are met.

(c)(i) Beginning on July 1, 2001, and each year thereafter, the Department of Ecology will publish the canister capture rate for use with this rule.

(ii) When the canister capture rate reaches 15% and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the Department of Ecology will revise the state rules and incorporate the effect of canisters.

(d) The owner or operator of a new or modified gasoline dispensing facility shall file a Notice of Construction as provided in SWAPCA 400-110, and obtain an Order of Approval prior to commencing construction or modification.

(e) The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under (a) of this subsection and request the Department of Ecology to evaluate it subject to the fees described in (f) of this subsection. The Department of Ecology will review and evaluate a

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second tier analysis described under WAC 173-460-090 within 45 days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

(f) The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under SWAPCA 400-110 except, if a site-specific review is elected under (e) of this subsection, the fee shall be as provided under WAC 173-400-116 (3)(c) for a tier two analysis.

((b)g) All gasoline dispensing facilities subject to this section shall be equipped with a CARB or SWAPCA certified Stage II vapor recovery system.

((e)h) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

((d)i) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

((e)j) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

((f)k) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of SWAPCA's or Department of Ecology's toll free telephone number (800-633-0709 or 800-272-3780) for complaints regarding the operation and condition of the vapor recovery system (nozzles).

((g)l) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) handling over 10,000 gallons per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22 Subpart B.

((h)m) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. For vacuum assist systems, the owner/operator shall conduct and pass performance testing every 12 months (in accordance with the applicable CARB Executive Order certifying the system). Results of all testing shall be submitted to SWAPCA within 14 calendar days of test completion.

((i)n) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(6) Loading or Unloading Gasoline into Marine Tank Vessels

(a) Applicability. This rule applies to loading events at any location within the Vancouver ozone air quality maintenance area when gasoline is placed into a marine tank vessel cargo tank; or when any liquid is placed into a marine tank vessel cargo tank that had previously held gasoline. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule. All facilities shall be in compliance no later than June 1, 2001.

(b) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(i) Marine vessel bunkering (refueling);

(ii) Lightering when neither vessel is berthed at a marine terminal dock,

(iii) Loading when both of the following conditions are met:

The vessel has been gas freed (regardless of the prior cargo), and

When loading any products other than gasoline.

(c) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(d) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must meet one of the following:

(i) Vapors must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined by EPA Method 25 or other methods approved in writing by SWAPCA, or

(ii) Vapor emissions shall not exceed 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(e) Operating Practice and Maintenance.

(i) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of fuel product into marine tank vessels must be maintained to be leak free and vapor tight.

(ii) The owner or operator of any marine tank vessel must certify to SWAPCA that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21 or other methods approved in writing by SWAPCA.

(iii) Gaseous leaks must be detected using EPA Method 21 or other methods approved in writing by SWAPCA.

(iv) Loading must cease anytime gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to SWAPCA that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gas-

eous leak detected by SWAPCA staff is a violation of this rule.

(f) Monitoring and Record-Keeping.

Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to SWAPCA upon request. These records must include but are not limited to:

(i) The location of each loading event.

(ii) The date of arrival and departure of the vessel.

(iii) The name, registry and legal owner of each marine tank vessel participating in the loading event.

(iv) The type and amount of fuel product loaded into the marine tank vessel.

(v) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(vi) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(g) Lightering exempted from controls by subsection 6(b) of this rule must be curtailed from 2:00 AM until 2:00 PM when SWAPCA declares a Clean Air Action (CAA) day. If SWAPCA declares a second CAA day before 2:00 PM of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 PM on the second day. If a third CAA day in a row is declared, then uncontrolled lightering is permissible for a 12 hour period starting at 2 PM on the second CAA day and ending at 2 AM on the third CAA day. Uncontrolled lightering must be curtailed from 2 AM until 2 PM on the third CAA day. If SWAPCA continues to declare CAA days consecutively after the third day, the curtailment and loading pattern used for the third CAA day will apply.

(h) Safety/Emergency Operations. Nothing in this rule is intended to:

(i) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or

(ii) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

AMENDATORY SECTION

SWAPCA 491-050 Failures, Certification, Testing and Recordkeeping

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-102 filed 10/21/96, effective 11/21/96]

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of SWAPCA 491-040.

(1) Failures.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gas-

oline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank or a marine vessel if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle or marine vessel. Certification is required annually as provided in SWAPCA 490-202 and SWAPCA 491-040 (6)(e).

(b) The owner or operator of a transport tank shall not make any connection to the tank or marine vessel for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank or marine vessel has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

(i) Having on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) For transport tanks (tanker trucks), displaying a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in (3) of this subsection;

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(iii) For marine vessels, displaying a sticker/certification with the other Coast Guard required certifications (e.g. in the vessel ecology box, ship's bridge or tankerman's shack) which:

(A) Shows the date that the marine vessel last passed the test required in (3) of this subsection;

(B) Shows the identification number of the marine vessel; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks and marine vessels equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(ii) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) SWAPCA may, at any time, monitor a gasoline transport tank, marine vessel and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or SWAPCA.

(b) Testing to determine compliance with this section shall use procedures approved by SWAPCA. See testing requirements in SWAPCA 490 for transport tanks and section 491-040 (6)(e) for marine vessels.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by SWAPCA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by this section shall, as a minimum, contain:

(i) The transport tank or marine vessel identification number;

(ii) The transport tank or marine vessel capacity;

(iii) The transport tank initial test pressure and the time of the reading;

(iv) The transport tank final test pressure and the time of the reading;

(v) The transport tank initial test vacuum and the time of the reading;

(vi) The transport tank final test vacuum and the time of the reading;

(vii) At the top of each report page the company name, date, and location of the tests on that page; and

(viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank or marine vessel passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to SWAPCA (~~the department~~), upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

SWAPCA 491-060 Severability

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption WSR 96-21-102 filed 10/21/96, effective 11/21/96]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 00-12-011

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed May 25, 2000, 4:15 p.m.]

Date of Adoption: February 22, 2000.

Purpose: The Liquor Control Board has reviewed all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. WAC 314-16-250 Retail sale of malt liquor in kegs, has been replaced by WAC 314-02-115 What are the requirements for licensees that sell keg beer?

Citation of Existing Rules Affected by this Order: Repealing WAC 314-16-250.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.200, 66.28.210.

Adopted under notice filed as WSR 99-23-105 on November 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

March 24, 2000

Eugene Prince

Chair

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-16-250

Retail sale of malt liquor in kegs.

WSR 00-12-012
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed May 25, 2000, 4:16 p.m.]

Date of Adoption: March 1, 2000.

Purpose: To repeal the following rules which are no longer necessary: WAC 314-56-010 Scientific studies and research, 314-56-020 Report of findings, and 314-78-010 Official seal of the board.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-56-010, 314-56-020, and 314-78-010.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under preproposal statement of inquiry filed as WSR 00-02-086 on January 5, 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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 3.

Effective Date of Rule: Thirty-one days after filing.

May 16, 2000

Eugene Prince

Chair

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-56-010	Scientific studies and research.
WAC 314-56-020	Report of findings.
WAC 314-78-010	Official seal of the board.

WSR 00-12-019
PERMANENT RULES
CLOVER PARK
TECHNICAL COLLEGE

[Filed May 26, 2000, 10:48 a.m.]

Date of Adoption: May 10, 2000.

Purpose: To make changes to the student conduct code and various technical amendments.

Statutory Authority for Adoption: RCW 28B.50.-140(13).

Adopted under notice filed as WSR 00-08-105 on April 5, 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 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 37, Repealed 14.

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.

May 23, 2000

N. P. Robinson

Vice-President for
 Operations and Facilities

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the ~~((third Tuesday))~~ second Wednesday of each month at the F.V. Miner Resource Center, Building 15 on the main college campus and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at 4500 Steilacoom Boulevard Southwest, ~~((Tacoma))~~ Lakewood, WA 98499-4098, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 4500 Steilacoom Boulevard Southwest, ~~((Tacoma))~~ Lakewood, WA 98499-4098.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-100 Right to refuse permit. The college vice-president for ((~~auxiliary services~~)) operations and facilities or designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-110 Appeal of permit revocation or refusal. When a parking permit has been revoked under WAC 495C-116-090 or has been refused in accordance with WAC 495C-116-100 or when a fine or penalty has been levied against a violator of this chapter, that action by the vice-president for ((~~auxiliary services~~)) operations and facilities or designee may be appealed in accordance with WAC 495C-116-170.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-130 Enforcement. (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president for ((~~auxiliary services~~)) operations and facilities or designee is responsible for the enforcement of this chapter.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-160 Fines and penalties. The vice-president for ((~~auxiliary services~~)) operations and facilities or designee may impose the following fines and penalties for violation of this chapter:

(1) The college shall publish the schedule in the ((~~College~~)) Student Handbook and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (j) Parking in a fire lane (may be towed if creating a safety hazard);
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president for ((~~auxiliary services~~)) operations and facilities or designee, an administrator or staff member who has an accumulation of citations may be subject to disciplinary action or have the matter turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five working days, the vice-president for ((~~auxiliary services~~)) operations and facilities or designee may initiate the following actions:

(a) The student may not be able to obtain college records until all fines are paid;

(b) The student will not be able to register for subsequent quarters until all fines are paid.

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the campus security officer or designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495C-116-170.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-170 Appeal of citations and penalties. (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the vice-president for ((~~auxiliary services~~)) operations and facilities or designee within five working days from the date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he or she has five additional working days from the receipt of the decision of the vice-president for ((~~auxiliary services~~)) operations and facilities or designee to appeal.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-190 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice-president for ((~~auxiliary services~~)) operations and facilities in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display on that vehicle a valid state-issued disabled parking permit or license plate. The campus security officer or designee shall issue permits for temporarily handicapped

persons and for those with state handicapped parking permits pending. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits as specified by the posted signs.

(3) The vice-president for (~~auxiliary services~~) operations and facilities or designee may designate parking spaces for special purposes as deemed necessary.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-210 Regulatory signs, markings, barricades, etc. The vice-president for (~~auxiliary services~~) operations and facilities or designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings, and directions.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-260 Disabled or inoperative vehicles—Impounding. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the vice-president for (~~auxiliary services~~) operations and facilities or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner at least forty-eight hours before impounding.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "College" means Clover Park Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) (~~"Disciplinary officials" means the president or designee, including but not limited to, vice-presidents and pro-~~

~~gram directors-)~~ "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

(8) "Student" means a person who is (~~regularly~~) enrolled at the college.

(9) "Disciplinary officials" means the president or designee, including, but not limited to, vice-presidents and directors.

(10) "Disciplinary action" means the (~~warning~~) reprimand, probation, expulsion, suspension, or (~~reprimand~~) summary suspension of a student under WAC 495C-120-120 for the violation of a rule adopted in this chapter.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-020 Statement of purpose. (1) Clover Park Technical College is maintained by the state of Washington for the provision of programs of vocational instruction for (~~high school students and~~) adults and qualified high school students, including necessary related instruction and community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that students will conduct themselves as responsible members of the college community. This includes an expectation that (~~the~~) students will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interfere(~~s~~) with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. (~~In the case of minors, misconduct may be referred to parents or legal guardians-)~~ Parents or legal guardians may be notified of any sanctions imposed on unemancipated minors.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) (~~Clover Park Technical College facilities are smoke free. Smoking is approved at designated sites;~~

(2) ~~The~~) Possession, use, sale, or distribution of any illegal drug on the college campus (~~is prohibited~~). The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the college does not take

place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

~~((3))~~ (2) Engaging in lewd, indecent, or obscene behavior;

~~((4))~~ (3) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

~~((5))~~ (4) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

~~((6))~~ (5) The intentional making of false statements or filing of false charges against the college and members of the college community;

~~((7))~~ (6) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

~~((8))~~ (7) Theft from ~~((or))~~, damage to, or misuse of college premises or property, or theft of or damage to property of a member of the college community or college premises;

~~((9))~~ (8) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

~~((10))~~ (9) Possession of firearms, except where approved by state statute;

(10) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where such behavior knowingly offends the recipient, causes discomfort, or humiliates or interferes with job performance;

(11) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities;

(12) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

(13) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof;

(14) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

NEW SECTION

WAC 495C-120-041 Hazing policy. (1) No student, or other person in attendance at Clover Park Technical College, may conspire to engage in hazing or participate in hazing of another.

(2) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clover Park Technical College as an official organization or association on this campus.

If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for ninety calendar days.

(c) Forfeiture of state-funded grants, scholarships or awards shall continue for ninety calendar days, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Disciplinary action may be taken under this chapter for hazing violations.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(5) Conduct which causes embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation, not amounting to hazing, shall be subject to disciplinary action under this chapter.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-045 Loss of eligibility—Student participation. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored events or activities.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-050 Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any employee or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any employee or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any employee who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of ~~((subparagraphs))~~ subsections (1) and (2) ~~((above))~~ of this section will be subject to disciplinary action and referred to the authorities for prosecution.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-080 Dishonesty/classroom conduct.

(1) Dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and instructional staff to provide reasonable and prudent security measures designed to minimize opportunities for acts of dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a staff member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the staff member as the student's work product, shall be deemed to have committed an act of dishonesty. Acts of dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.

(b) The instructor of each program offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the program; provided that; a student shall have the right to appeal such disciplinary action ((to the vice president for instruction or designee)).

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-090 Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and staff if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the staff as moderator, or requiring permission for

comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president or designee may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-100 Distribution of information. (1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the ((senior vice president)) president or designee; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the ((senior vice president)) president or designee prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-120 Disciplinary process. (1) ((Any infractions of college rules may be referred by any college staff member to the vice president for instruction. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by a staff member pursuant to the provisions in WAC 495C-120-160.

(2) ~~The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the vice president for student services or designee.~~

(3) ~~If a referral or an appeal is made to the vice president for student services or designee, the vice president for student services or designee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the vice president for student services or designee is inappropriate, the student may appeal the matter to the president of the college.~~

(4) ~~The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the vice president for student services or designee. The decision of the president is final.)~~ Infrac-

tions of college rules may be referred by any college staff member to the appropriate director or designee.

(2) A student alleged to have violated a provision of this chapter shall be notified to meet with the director or designee for possible disciplinary action.

(3) After a careful review of the circumstances surrounding the alleged misconduct, the director or designee may take any of the following actions:

(a) Terminate the proceeding;

(b) Dismiss the case after whatever counseling and advice the director or designee deems appropriate;

(c) Impose appropriate disciplinary action (reprimand, probation, suspension, expulsion), subject to student's right of appeal.

(4) The student will be notified in writing of the determination made by the director or designee.

(5) If, after consideration of the alleged misconduct, the recommendation of the director or designee is for disciplinary action, the student may:

(a) Accept the disciplinary action; or

(b) File, within fifteen calendar days following receipt of the notification of disciplinary action, a written request for a formal hearing pursuant to the provisions of WAC 495C-120-160. If the request is not filed within the prescribed time, the right to do so is waived.

(6) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

NEW SECTION

WAC 495C-120-125 Summary suspension. If any college staff member has cause to believe that a student presents an imminent danger to himself or herself or other persons on college facilities or to the educational process of the college, then the staff member shall have authority to immediately remove the student from the college premises. The college staff member shall notify, as soon as possible, the vice-president for student services or designee who may initiate summary suspension until such time as the college staff is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days except that the vice-president for student services or designee may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to the people, facilities, or the educational process pending the disciplinary proceedings provided for in this code.

(1) If the vice-president for student services desires to exercise the authority to summarily suspend a student, the vice-president or designee will cause the student to be notified of the summary suspension.

(2) A formal hearing, pursuant to the provisions of WAC 495C-120-160 will be scheduled and held as quickly as feasible.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-130 Disciplinary terms. The definitions set forth in this section apply throughout WAC 495C-120-180.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules or failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of his or her violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a ((specified)) specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

~~(4) ((Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.~~

~~(5)) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.~~

~~((6)) (5) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.~~

(6) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten instructional days unless extended as provided in this chapter which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-140 Readmission after suspension or expulsion. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for ~~((instruction))~~ student services or designee. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the ~~((college president or designee))~~ vice-president for student services.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-150 Readmission into instructional program. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495C-120-120 and ~~((495C-120-130))~~ 495C-120-125 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reenter their instructional program ~~((to the extent possible within the abilities of the college)),~~ including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-160 ~~((Procedural guidelines))~~ Hearing procedures. (1) ~~((Students, if they wish))~~ A student, if he or she wishes to appeal, ~~((have))~~ has a right to a fair and impartial hearing before the vice-president for student services or designee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the vice-president for student services or designee from making his or her findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the vice-president for student services or designee in recommending penalties.

(2) ~~((The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.))~~ If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time,

place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

(3) The student ~~((or))~~, his or her representative, or both, shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the vice-president for student services or designee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his or her choice, who shall not be a college employee.

(6) Hearings ~~((conducted by the vice-president for student services or designee))~~ may be held in closed session at the discretion of the vice-president for student services or designee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the vice-president for student services or designee may exclude such persons from the hearing room.

(7) The vice-president for student services or designee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the vice-president for student services or designee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the vice-president for student services or designee as well as a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. The student will ~~((also))~~ be advised of his or her right to present, within ~~((ten))~~ fifteen calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the vice-president for student services or designee. In the case of an ~~((unmarried student under eighteen years of age))~~ unemancipated minor, written notice of any action involving dismissal or disciplinary probation ~~((is))~~ may be sent to the parents or guardian of the student.

(11) The vice-president for student services or designee shall establish general rules of procedure for conducting hearings consistent with these ~~((procedural))~~ guidelines, the college's rules of practice and procedure set forth in chapter 495C-108 WAC and the Administrative Procedure Act, chapter 34.05 RCW.

(12) ~~((The president of the college or his designated representative, after reviewing the case, including the report of the vice president for student services or designee and any statement filed by the student, shall either indicate his approval of the conclusions of the vice president for student services or designee by sustaining his or her decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice president for student services.))~~ If no timely appeal is filed in writing from the findings and conclusions of the vice president for student services or designee, the action taken shall be final.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-170 Appeals. ~~((Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the vice president for instruction within ten calendar days of the college's giving of the notice of the disciplinary action.~~

~~(1) Disciplinary action by a college staff member may be appealed to, and shall be reviewed by, the vice president for instruction or his or her designee.~~

~~(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the vice president for student services or designee.~~

~~(3) Disciplinary action by the vice president for student services or designee may be appealed to, and shall be reviewed by, the college president or his designee.~~

~~(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing the decision. All appeals to the president shall be final.))~~ The outcome of any disciplinary hearing may be appealed.

(1) Notice of an appeal by a student shall be made in writing and addressed to the president of the college within fifteen calendar days of receiving the formal notification of the hearing outcome.

(2) Review of appeals.

(a) The president must review the whole record or such portions of it as may be cited by the parties.

(b) The president must afford each party the opportunity to present written argument and may afford each party the opportunity to present oral argument.

(c) The president must enter a final order disposing of the proceedings or remand the matter for further proceedings, with instructions.

(d) The final order must include a statement of findings and conclusions, and the basis and reasons therefor, on all material issues of fact, law, or discretion presented on the record, including the remedy or sanction.

(3) The president, after reviewing the case, shall either indicate his or her approval of the conclusions of the vice president for student services or designee by sustaining the decision, shall give directions as to what other disciplinary

action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice president for student services.

(4) The president will cause copies of the final order or remand order to be served on each party.

(5) All appeals to the president shall be final.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-180 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the appropriate disciplinary official ~~((taking or initiating the action))~~ and in the student's official college file. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-132-010 Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

Financial Aid Office
Clover Park Technical College
4500 Steilacoom Boulevard S.W.
~~((Tacoma))~~ Lakewood, WA 98499-4098

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-133-020 Organization—Operation—Information. (1) Organization. Clover Park Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

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

4500 Steilacoom Boulevard S.W.
~~((Tacoma))~~ Lakewood, WA 98499-4098

The office hours as prescribed in the College Policy and Procedure(s) Manual are 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

~~((Woodbrook Vocational Site
(:))Fort Lewis Campus(:))~~
14800 Murray Road S.W.
Fort Lewis, WA 98439-1197

~~((Days Inn Clover Park
6802 South Sprague
Tacoma, WA 98409-6797))~~

Rainier School
2120 Ryan Road
Buckley, WA 98321-9115

~~((Recreational Vehicle(:))Marine Mechanics Facility
3423 Chapel Street S.W., Building No. 7
(Tacoma)) Lakewood, WA 98444-1539~~

~~((Franklin Pierce High School
11002 18th Avenue East
Tacoma, WA 98445-5200))~~
Washington Corrections Center for Women
9601 Bujacich Rd. N.W.
Gig Harbor, WA 98335-0017

Clover Park Technical College
Natural Resources Laboratory & Research Park
4500 Block of Steilacoom Boulevard S.W.
Lakewood, WA 98499-4098

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

4500 Steilacoom Boulevard S.W.
~~(Tacoma))~~ Lakewood, WA 98499-4098

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-140-090 Basis of fee assessment. (1) The basis for establishing and charging fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of vice-president for ~~((auxiliary services))~~ operations and facilities.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. At no time will facility use be granted for a noncollege related commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any

college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of ~~((auxiliary services))~~ operations and facilities. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The vice-president for ~~((auxiliary services))~~ operations and facilities or designee reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Clover Park Technical College board of trustees.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-168-020 Loans. Materials from the college library(~~(:))~~F.V. Miner Resource Center(~~(:))~~) are checked out only to the following groups.

(1) All currently registered students of the college;

(2) All current staff members;

(3) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;

(4) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current

usage of individual items by Clover Park Technical College students.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-168-040 Student handbook. Information governing the operation of the library center is included in the student ~~((and college))~~ handbook~~((s))~~ and the college Policy and Procedure Manual.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-030 Description of central and field organization of Clover Park Technical College District No. 29. (1) Clover Park Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Pierce, Washington. The college campus likewise comprises the central headquarters for all operations of the district. Field activities for the branch campuses of the district are administered by personnel located at the Clover Park Technical College main office at 4500 Steilacoom Boulevard Southwest in ~~((Tacoma))~~ Lakewood, Washington.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495C-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the ~~((College Handbook))~~ Policy and Procedure Manual for Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policy and Procedure Manual of Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the ~~((chief administrative officer of the district))~~ president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ~~((upon a form prescribed by the district which shall be available at the district administrative office)).~~ The ~~((form))~~ request shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) ~~((If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;~~
- (e) ~~If the requested matter is not identifiable by reference to the current index,))~~ An appropriate description of the record(s) requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495C-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the

public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within ~~((two))~~ five business days as to whether his or her request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at 4500 Steilacoom Boulevard Southwest, ~~((Tacoma))~~ Lakewood, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495C-276-090.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495C-276-140 Adoption of form.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 495C-280-010 General policy.
 WAC 495C-280-015 Definitions.
 WAC 495C-280-020 Annual notification of rights.
 WAC 495C-280-030 Procedure to inspect education records.
 WAC 495C-280-040 Disclosure of education records.
 WAC 495C-280-050 Limits on rights to review and inspect and obtain copies of education records.
 WAC 495C-280-060 Record of request and disclosures.

WAC 495C-280-070 Disclosure of directory information.
 WAC 495C-280-080 Requests for corrections, hearings, adding statements to education records.
 WAC 495C-280-090 Fees for copies.
 WAC 495C-280-100 Waiver.
 WAC 495C-280-110 Type and location of education records.
 WAC 495C-280-120 Remedy for students protected by this act.

**WSR 00-12-024
 PERMANENT RULES
 DEPARTMENT OF
 LABOR AND INDUSTRIES**

[Filed May 26, 2000, 1:27 p.m., effective July 1, 2002]

Date of Adoption: May 26, 2000.

Purpose: BACKGROUND: WMSDs are serious ailments resulting in material impairment to health and functional capacity. WMSDs do not kill workers, but they can have devastating impact on their lives and livelihoods. The cardinal signs and symptoms include pain, motor weakness, sensory deficits and restricted ranges of motion. These can be severely debilitating, but even in modest, early stages they can interfere with both work and family life. Also, problems that are reversible in early stages can become permanently disabling.

WMSDs are the largest category of injuries and illnesses affecting Washington workers. There are at least 52,000 WMSD workers' compensation claims for the neck, back and upper extremity accepted yearly in the state of Washington. The total annual direct cost of all WMSDs is more than \$410 million. WMSDs account for about 30% of all workers' compensation claims and more than 40% of the total costs. The average annual risk of all neck, back and upper extremity compensable WMSDs is 134 per 10,000 employees. These risks are much greater than for other workplace risks and far exceed any reasonable definition of "average risk."

There is strong scientific evidence that jobs and tasks with various physical risk factors expose workers to preventable hazards that can cause or aggravate WMSDs. These risk factors include awkward postures; high hand force; highly repetitive motions; repeated impact; heavy, frequent, or awkward lifting; and moderate to high vibration.

- The National Institute for Occupational Safety and Health has concluded that "A substantial body of credible epidemiologic research provides strong evidence of an association between musculoskeletal disorders and certain work-related physical factors when there are high levels of exposure and especially in combination with exposure to more than one physical factor (e.g., repetitive lifting of heavy objects in extreme or awkward postures." (Bernard, 1997)

PERMANENT

- The National Academy of Sciences has concluded that "there is little to shake our confidence in the thrust of our conclusions, which draw on converging results from many disciplines, using many methods: There is a higher incidence of reported pain, injury, loss of work, and disability among individuals who are employed in occupations where there is a high level of exposure to physical loading than for those employed in occupations with lower levels of exposure." (NRC, 1999)

Among the hundreds of scientific studies that have examined the relationship between workplace exposures and MSDs there are some that purport to provide evidence for the lack of workplace causation. L&I has considered these and finds that they do not invalidate the agency's conclusions about the positive relationship between physical risk factors and WMSDs.

There are many positive examples of ergonomics activities effectively reducing WMSDs in Washington workplaces. However, after more than ten years of working with employers and others on a voluntary basis, an L&I survey found that 60% of employers report no efforts to reduce WMSD hazards. Even among those employers who recognize that WMSDs have occurred in their workplaces 40% report no efforts to reduce the hazards that may cause them.

L&I also determined that relying on existing regulations to address WMSD hazards would be an inadequate alternative to rule making. Existing general rules such as the accident prevention program standard (WAC 296-24-040), management's responsibility (WAC 296-24-020) and the safe-place standards (WAC 296-24-073) do establish an obligation for employers to address recognized hazards that can cause WMSDs. These have been used as the basis for WISHA inspections and consultation visits in the past. However, these general regulations do not provide employers, employees or L&I staff with clear enough direction regarding which exposures must be controlled, what control measures must be implemented, or how the department will assess compliance. They only require an employer to take some unspecified actions to address hazards. Therefore they have not been used often.

RULE DEVELOPMENT: L&I began the rule development process in October 1998. Before drafting the proposed rule, L&I actively engaged the business, labor and health professional communities in detailed discussions. These discussions included nine public rule development conferences around the state in late 1998, which were followed by the work of two advisory committees in the first half of 1999. These activities were followed by numerous informal discussions with employer and employee organizations.

PUBLIC COMMENTS: The proposed rule was filed November 15, 1999, followed by fourteen formal public hearings in seven cities around the state. Two hundred forty-nine witnesses testified. L&I received more than eight hundred fifty post-hearing comments.

SUMMARY OF ADOPTED NEW REQUIREMENTS: For WAC 296-62-051 Part A-1, Ergonomics, WISHA's adopted rule includes the following:

1. The rule applies only to employers with "caution zone jobs," those where any employee's typical work includes physical risk factors specified in the rule. "Caution zone jobs" are not prohibited and they may not be hazardous.

2. Employers with "caution zone jobs" must ensure that employees working in or supervising these jobs receive ergonomics awareness education. These employers also must analyze the caution zone jobs to determine if they have hazards.

3. Employers may choose their own method and criteria for identifying and reducing WMSD hazards or may use the department's specified criteria.

4. If jobs have WMSD hazards the employer must reduce exposures below hazardous levels or to the degree technologically and economically feasible.

5. Employers may continue to use methods of reducing WMSD hazards that were in place before the rule adoption date as long as the methods, taken as a whole, are as effective as the requirements of the rule.

6. Employers must provide for and encourage employee participation in activities required by the rule.

7. An extended implementation schedule based on industry type and employer size allows employers, especially small businesses, ample time to prepare for compliance.

8. The department will work with and assist employer and employee groups in implementing the rule. This includes developing guides and models, identifying industry "best practices," establishing inspection policies and procedures, conducting demonstration projects, and providing information on ergonomics.

Topic: Ergonomics.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 99-23-067 on November 15, 1999 (published in two parts in both Issue 99-23 and Issue 99-24), and WSR 00-04-075 on February 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-62-05101 What is the purpose of this rule?**

- Added the word "specific" to the first sentence for clarity.
- Deleted the last sentence about demonstration employers testing guidelines, best practices, etc. because it repeats information in WAC 296-62-05160 NOTE (4).

WAC 296-62-05103 Which employers are covered by this rule?

- Changed the last sentence to read "A "caution zone job" is a job where an employee's typical work activities include any of the specific risk factors listed below." Language was modified to clarify intent or meaning without changing requirements in the proposal. This was necessary because comments indicated that the proposed language was unclear or could be too easily misunderstood.

WAC 296-62-05105 What is a "caution zone job"?

- Reformatted the table to make it easier to use. The bullets have been replaced with numbers, which are easier to reference and which better indicate the analysis of

"caution zone jobs" is complete if the work activities reviewed do not contain any of the specific risk factors identified in numbers 1-14.

- "Workday" was changed to "day" for clarity throughout the "caution zone" table.
- At the top of the table:
 - ◆ In response to comments, "typical" work activities are defined in the new language to make it clear that incidental or occasional exposures are not covered under the rule.
 - ◆ "Duration" was added to clarify intent or meaning without changing requirements in the proposal. This was necessary because comments indicated that the proposed language was unclear or could be too easily misunderstood.
- Changes within the table itself include the following:

(2) Wrist(s) was removed because comments noted that a bent wrist alone (without added force or repetition) would not be appropriate to address. Language was added to clarify this risk factor is only applicable to work activities without support and the ability to vary posture. Comments noted the need to clarify that the rule should not address situations where employees voluntarily assumed awkward postures and could easily change them.

(3)(4) Split out squatting and kneeling into separate bullets. Editorial changes only.

(5) Under "High Hand Force," the determination of pinch force when using the weight of an object was clarified to be the weight of an "unsupported" object. Direct pinch force measurement or estimate (4 or more pounds per hand) was also added as an element of this subsection, with an example for estimating what 4 or more pounds per hand would be comparable to. The actual risk factor in high hand force is the pinch or grip force itself, for which object weight is merely one surrogate measure. Testimony during the public hearings addressed this deficiency. While the weight of objects handled is the simplest method for estimating hand force, the department added language on how to estimate pinch or grip forces in other simple ways.

(6) Under "High Hand Force," the determination of grip force when using the weight of an object was clarified to be the weight of an "unsupported" object. Direct grip force measurement or estimate (10 or more pounds per hand) was also added as an element of this subsection, with an example for estimating what 10 or more pounds per hand would be comparable to. While there is some evidence for 6 pounds of grip force as a risk factor, the evidence is stronger at higher force levels of 9 to 10 pounds, so this risk factor was changed to gripping 10 pounds. The actual risk factor in high hand force is the pinch or grip force itself, for which object weight is merely one surrogate measure. Testimony during the public hearings addressed this deficiency. While the weight of objects handled is the simplest method for estimating hand force, the department added language on how to estimate pinch or grip forces in other simple ways.

(9) Sentence was changed to "Using the hand (heel/base of palm) or knee as a hammer more than 10 times per hour more than 2 hours total per day." Language was added to clarify the portion of the hand that this risk factor addresses.

- ◆ The heading "Moderate to High Vibration" was changed to "Moderate to High Hand-Arm Vibration," this language was added to clearly specify that this risk factor applies only to hand-arm vibration.

WAC 296-62-05120 Which employees must receive ergonomics awareness education and when?

- In subsection (1) a sentence was added to clarify that department-provided materials can be used to meet the basic awareness education requirements of the rule.

WAC 296-62-05122 What must be included in ergonomics awareness education?

- Numbers were changed to bullets.
- Language was added to the first sentence to provide examples of a number of different ways that awareness education could be provided.
- First bullet language changed to focus the awareness education information about risk factors on all of the factors covered by the rule. This allows the awareness education to be truly "portable" and avoids the need for reeducation in the event an employee moves to a new job (or has a change in their existing job) with a different caution zone job risk factor(s). Comments noted the difficulty employers would have if the awareness education was not portable between different types of jobs.

WAC 296-62-05130 What options do employers have for analyzing and reducing WMSD hazards?

- First sentence was changed to "All covered employers must determine whether "caution zone jobs" have WMSD hazards and must reduce the WMSD hazards identified as described below." Editorial changes for clarity and simplicity.

In subsection (1) under the General Performance Approach:

- The wording "The employer must choose criteria for this analysis that are as effective as widely accepted nationally recognized criteria such as" was replaced with "The employer must use hazard control levels as effective as the recommended levels in widely used methods such as." Comments requested that the term "as effective as" be clarified. This language makes it clear that measurement of effectiveness is hazard-based and if a general performance method is chosen it must include recommended hazard control levels as effective as those found in the examples given. Comments noted that there is no system of national recognition for ergonomics programs. "Widely used" is clearer and more reasonable.
- Liberty Mutual Manual Handling Tables were taken out of the method examples because the tables do not include a recommended hazard control level.
- Language added to clarify the Department of Energy ErgoEASER example includes only their lifting guidelines.
- The correct literature reference was added to the NIOSH Lifting Equation.
- Three new widely used method examples were added:
 - ◆ Applicable ACGIH threshold limit values for physical agents,
 - ◆ Rapid Entire Body Assessment (REBA) and

◆ Rapid Upper Limb Assessment (RULA).

In subsection (2) under the General Performance Approach:

- Changed letters to bullets.
- "Recovery cycle" was replaced by "recovery time" for better understanding.
- "Vibration" was changed to "hand-arm vibration," this language was added to clearly specify that this risk factor applies only to hand-arm vibration.

In subsection (4) for both General Performance and Specific Performance Approach: The phrase "technologically and economically" was added to "feasible." Comments requested clarification of the term "feasible." Adding the phrase "technologically and economically" clarifies and limits the meaning in accordance with agency intent.

In subsection (5) under the General Performance Approach:

- "Measures used by employers to reduce WMSD hazards" was replaced with "Employers must reduce WMSD hazards as described below by:" and subsections (5)(a) and (5)(b) were changed; comments noted that the language on order of preference for controls was not clear. Language was modified to clarify the meaning. This language makes it clear that if the first preference controls have not reduced the WMSD hazards below the hazard level, then (feasible) interim measures are to be used to supplement the controls and further reduce exposures.
- We added subsection (5)(c) because many comments noted a concern that feasible controls could include reducing full-time workers or hiring only part-time workers to reduce hazardous exposures. Language was added to clarify the intent in regards to this issue.
- Two examples of controls (work schedule modification and kneepads) were eliminated to simplify the lists and provide the clearest examples.

In subsection (6) under General Performance Approach: Letters were changed to bullets.

- First bullet wording was changed from "the hazards of the job or task" to "the hazards of the work activities" for clarity.

In subsection (7) under General Performance Approach and Specific Performance Approach:

- Letters were changed to bullets.
- In the last bullet, the phrase "technologically and economically" was added to "feasible." Comments requested clarification of the term "feasible." Adding the phrase "technologically and economically" clarifies and limits the meaning in accordance with agency intent.

WAC 296-62-05140 How must employees be kept involved and informed?

- In subsection (2) changed letters to bullets.

WAC 296-62-05150 How are terms and phrases used in this rule?

- Definitions were added for:
 - ◆ Full Time Equivalent (FTE), Definition added to clarify meaning of FTE as used in the implementation timeline.

- ◆ High Hand-Arm Vibration Levels, Moderate Hand-Arm Vibration Levels Definitions added for clarity. Comments noted need for additional definition.

- ◆ Work Activities Definition added for clarity. Comments noted need for additional definition.

- Definitions and literature references were added for ACGIH threshold limit values for physical hazards, REBA, and RULA. Reference added for new method example included in WAC 296-62-05130(1) (General Performance Approach).
- "Caution zone jobs": Editorial changes only were made for clarity.
- Liberty Mutual Manual Handling Tables definition: Reference for this method example in WAC 296-62-05130(1) (General Performance Approach) was removed because the Tables do not include a recommended hazard control level.
- Added the literature reference to NIOSH Lifting Equation, 1991 by Waters, et al. 1993. Additional reference added for clarity.
- "Recovery Cycles" was changed to "Recovery Time" for ease in understanding.
- Work-Related Musculoskeletal Disorders (WMSDs), wording was changed from "Occupational" disorders to "Work-related" for clarity.

WAC 296-62-05160 When must employers comply with this rule?

- Dates were added to clarify when the requirements would be enforced.
- Two industries in the list of high-risk SIC codes were dropped (411, 734) and two new ones added (078, 836) to reflect the most current data available on the highest risk industries for combined state fund and self-insured compensable nontraumatic soft tissue disorders (1992-1998).
- Comments noted that small employers who may hire a large number of employees for short periods of time would be treated as if they had the resources of large employers if the implementation timeline were based on overall number of employees. Language was modified to base the implementation timeline on annual full time equivalents (FTEs) to address this concern. Language was also modified to base the implementation timeline on annual FTEs per employer rather than per individual workplace. This change was made to simplify and clarify implementation based on SIC codes. Identification of SIC codes to the individual worksite level is more complex and could be difficult for employers to identify and apply.
- The implementation timelines were extended to allow employers more time to understand the rule requirements, plan, and obtain assistance if necessary before compliance begins. Comments noted the need for more time for implementation. The dates for ergonomic awareness education to be completed were moved back to the dates for hazard analysis to be completed. In addition, the time frame for hazard analysis to be completed was moved back three months for the 2nd, 3rd, and 4th groups of employers in the implementation

schedule. These changes provide an additional nine months for each of the four groups in the implementation schedule before any requirements would be enforced.

- The "effective date" column of the implementation schedule was removed, as it was not necessary. Dates were added to the implementation schedule to clarify when the requirements would be enforced.

WAC 296-62-05160: NOTE, Help for employers in implementing the rule.

- NOTE 3. Changed the phrase "prior to the first effective date" to "before the rule is enforced" to reflect the fact that the "effective date" was removed from the implementation schedule.
- NOTE 4. Changed title from "Testing Guidelines with Demonstration Employers" to "Conducting Demonstration Projects" and combined the sentences within the note to remove unnecessary language, and to make it clear the department intends to work on demonstration activities with both employers and employees.

WAC 296-62-05170 Appendices.

This section was removed as unnecessary.

WAC 296-62-05172 Appendix A: Illustrations of physical risk factors.

- Drawings in this appendix were updated to illustrate changes made to risk factors in the caution zone (WAC 296-62-05105) or in Appendix B.
- Illustrations were labeled for clarity.
- Different illustrations were added to clarify ulnar deviation.
- "Grasping" was changed to "gripping" to be consistent with the language used in the rule.
- While there is some evidence for 6 lbs. of grip force as a risk factor, the evidence is stronger at higher force levels of 9 to 10 lbs., so this risk factor was changed to gripping 10 lbs. or more.

WAC 296-62-05174 Appendix B: Criteria for analyzing and reducing WMSD hazards for employers who choose the Specific Performance Approach.

- At the top of the table, the wording has changed from "For each "caution zone job" find any physical risk factors that apply. Reading across the page, determine if all of the conditions are present in the job. If they are, a WMSD hazard exists and must be reduced (see WAC 296-62-05130(4), specific performance approach)" "For each "caution zone job" find any physical risk factors that apply. Reading across the page, determine if all of the conditions are present in the work activities. If they are, a WMSD hazard exists and must be reduced below the hazard level or to the degree technologically and economically feasible (see WAC 296-62-05130(4), specific performance approach)." Language modified here to be consistent with language used elsewhere in the rule (i.e. "work activities," and "below the hazard level or to the degree technologically and economically feasible").
- Throughout Appendix B, "workday" was changed to "day" for clarity.
- Under "Awkward Posture" changes include the following:

- ◆ Within the shoulders section: "Holding the hands above the head" was changed to "Working with the hands above the head," for better understanding.
- ◆ Under "Neck": The description of the risk factor was changed to "working with the neck bent more than 45° (without support or the ability to vary posture)." Language was added to include "without the ability to vary posture." Comments noted that language was needed to clarify that the rule should not address situations where employees voluntarily assumed awkward postures and could easily change them. Language also added for clarity.
- ◆ Under "Back": The description of the risk factor was changed to "working with the back bent forward more than 30° (without support or the ability to vary posture)." The same changes were made to the second box under "Back." Language was added to include "without the ability to vary posture." Comments noted that language was needed to clarify that the rule should not address situations where employees voluntarily assumed awkward postures and could easily change them. Language also added for clarity.
- ◆ Kneeling on hard surfaces was deleted. The distinction between kneeling on hard or soft surfaces was removed because evidence was not strong. Duration was kept at the higher level (four hours) because the scientific evidence was stronger at this exposure level.
- Under "High Hand Force" changes were the following:
 - ◆ The visual aid column illustrations were labeled for clarity.
 - ◆ Under "Arms, wrists, hands": The determination of pinch force when using the weight of an object was clarified to be the weight of an "unsupported" object. Direct pinch force measurement or estimate (four or more pounds per hand) was also added as an element of this subsection, with an example for estimating what four or more pounds per hand would be comparable to. Public comments noted that the proposed language was deficient in addressing actual pinch forces.
 - > In the "combined with" column, language was added to further clarify risk factors for bent wrists. The angle for extension of the wrist was increased from 30° to 45° based on the strength of the evidence. Ulnar deviation (with illustration) was added to be consistent with the risk factor for gripping.
- Under "Arms, wrists, hands": The determination of grip force when using the weight of an object was clarified to be the weight of an "unsupported" object. Direct grip force measurement or estimate (ten or more pounds per hand) was also added as an element of this subsection, with an example for estimating what ten or more pounds per hand would be comparable to. Public comments noted that the proposed language was deficient in addressing actual grip forces.
 - ◆ In the "combined with" column language was added to further clarify risk factors for bent wrists. The

- angle for extension of the wrist was increased from 30° to 45° based on the strength of the evidence.
- ◆ Illustrations were labeled for clarity. An additional illustration was added to clarify ulnar deviation.
 - "Under Highly Repetitive Motion" changes were the following:
 - ◆ "Neck, shoulders, elbows, wrists, hands." in the "combined with" column, when "using the same motion with little or no variation," "wrists bent 30°," added "flexion, in extension 45° or ulnar deviation 30 degrees." Language was added to further clarify risk factors for bent wrists. The angle for extension of the wrist was increased from 30° to 45° based on the strength of the evidence. The same information was added to "awkward posture," as with "wrist bent." Language was added for clarity and consistency with other subsections.
 - ◆ The example given for intensive keying was dropped because a definition of intensive keying is included in the rule.
 - For "Repeated Impact": Wording was changed from "Using the hand as a hammer more than once per minute" to "Using the hand (heel/base of palm) as a hammer more than once per minute" to clarify the portion of the hand this risk factor addresses.
 - Changes made to the "Heavy, Frequent or Awkward Lifting" table include the following:
 - ◆ Step 2, changed the first sentence from "Where are the employee's hands at the beginning of the lift?" to "Where are the employees hands when they begin to lift or lower the object?" Language was added to clarify that the lifting risk factor applies when an employee is lifting or lowering an object. Comments noted and the scientific literature supports that the hazards of lifting may also exist when lowering an object.
 - ◆ Changes were made to the table. The department received testimony, supported by scientific literature that the "Unadjusted Weight Limits" in the lifting diagram were set too high, and would result in an unacceptable level of risk for injury. Therefore, the weight limits in the table were reduced to the equivalent of Lifting Indexes of less than 2.0 at the outer reaches (where the data is strongest) when calculated using the Revised NIOSH Lifting Equation (1991).
 - ◆ Changes include the following:
 - > Above the shoulder, near was 70 pounds and is now 65 pounds, mid was 45 pounds and now is 40 pounds, and extended was 35 pounds and now is 30 pounds.
 - > Waist to shoulder, near was 80 pounds and now is 70 pounds, mid was 55 pounds and now is 50 pounds, and extended was 45 pounds and now is 40 pounds.
 - > Knee to waist, near was 90 pounds now and remains 90 pounds, mid was 60 pounds and now is 55 pounds, and extended was 45 pounds and now is 40 pounds.
 - > Below the knee, near was 80 pounds and now is 70 pounds, mid was 55 pounds, and now is 50 pounds, and extended was 40 pounds and now is 35 pounds.
 - ◆ Step 3, "Percentage Modifier" has been changed to "Limit Reduction Modifier" to clarify meaning without changing requirements in the proposal. Comments noted it would be good to use language that emphasized this factor and is used to reduce the weight limit as appropriate. Also the percentages have been changed to decimal equivalents to make it easier to calculate the final weight limit.
 - ◆ Step 4, we changed the calculation for the twisting adjustments from pounds to decimals to more accurately reflect scientific evidence.
 - > "Percentage modifier" has been changed to "Limit Reduction Modifier" for consistency.
 - ◆ Step 5, in the last sentence, pertaining to reducing the identified hazard we have included the wording the hazard must be "reduced below the hazard level or to the degree technologically and economically feasible." Language added regarding hazard reduction to be consistent with the language used previously in the rule.
 - Changes made to the Vibration table include the following:
 - The title was changed from "Vibration" to "Hand-Arm Vibration" to clearly specify that this hazard applies only to hand-arm vibration. The same change was made to the first sentence regarding the instructions to determine if a hazard exists.
 - ◆ Step 2, changed the wording from "workday" to "day" to be consistent within the rule.
 - ◆ Step 4, changed language from "If that point lies in the cross-hatched "Hazard" area above the upper curve, then the vibration must be controlled" to "If that point lies in the cross-hatched "Hazard" area above the upper curve, then the vibration must be reduced below the hazard level or to the degree technologically and economically feasible." Language added regarding hazard reduction to be consistent with the language used previously in the rule.
 - ◆ The hazard reduction language change is also reflected in the Example at the bottom of the page.

WAC 296-62-05176 Appendix C: Standard Industry Classification (SIC) codes.

- SIC codes and their descriptions were added from the list of high-risk SIC codes in the implementation schedule for 078, Landscape and Horticultural Services and 836, Residential Care. These changes reflect the changes in the implementation schedule. These updates were based on the most current data available on the highest risk industries for combined state fund and self-insured compensable nontraumatic soft tissue disorders (1992-1998).
- SIC codes and their descriptions were deleted from the list of high-risk SIC codes in the implementation schedule for 411 Local & Suburban Transportation, and 734 Services to Dwellings & Other Buildings. These changes reflect the changes in the implementation schedule. These updates were based on the most current data available on the highest risk industries for

combined state fund and self-insured compensable nontraumatic soft tissue disorders (1992-1998).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 14, 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: July 1, 2002.

May 26, 2000

Gary Moore
Director

NEW SECTION

WAC 296-62-051 Ergonomics.

PART 1

NEW SECTION

WAC 296-62-05101 What is the purpose of this rule?

The purpose of this rule is to reduce employee exposure to

NEW SECTION

WAC 296-62-05105 What is a "caution zone job"?

"Caution zone"

A "caution zone job" is a job where an employee's typical work activities include any of the specific physical risk factors listed below. Typical work activities are those that are a regular and foreseeable part of the job and occur on more than one day per week, and more frequently than one week per year.

- Employers having one or more "caution zone jobs" must comply with Part 2 of this rule. "Caution zone jobs" may not be hazardous, but do require further evaluation.
- This rule does not prohibit "caution zone jobs."
- Employers who have made a reasonable determination that they do not have "caution zone jobs" are not covered by this rule.
- Duration (for example, 2 hours) refers to the total amount of time per day employees are exposed to the risk factor, not how long they spend performing the work activity that includes the risk factor.

Awkward Posture

- (1) Working with the hand(s) above the head, or the elbow(s) above the shoulder, more than 2 hours total per day
- (2) Working with the neck or back bent more than 30 degrees (without support and without the ability to vary posture) more than 2 hours total per day
- (3) Squatting more than 2 hours total per day

specific workplace hazards that can cause or aggravate work-related musculoskeletal disorders (WMSDs). In workplaces where these hazards exist, employers must reduce them. Doing so will prevent WMSDs such as tendinitis, carpal tunnel syndrome and low back disorders. The rule is not designed to prevent injuries from slips, trips, falls, motor vehicle accidents or being struck by or caught in objects.

This rule contains three parts.

- Part 1, WAC 296-62-05105, provides a quick way for employers to know if they are covered.
- Part 2 requires covered employers to meet an employee-education requirement and identify WMSD hazards. If hazards exist, the employer must reduce them.
- Part 3 shows covered employers when they must comply with this rule. An employer's type of business and number of employees determine how much time is permitted for compliance (3 to 6 years for fixing WMSD hazards).

The rule does not include any requirements for the medical management of WMSDs or change any requirements for handling industrial insurance claims. An employer will not be in violation of this rule solely because an employee develops a WMSD or related symptom.

NEW SECTION

WAC 296-62-05103 Which employers are covered by this rule? Employers with "caution zone jobs" are covered by this rule. A "caution zone job" is a job where an employee's typical work activities include any of the specific physical risk factors listed in WAC 296-62-05105.

- (4) Kneeling more than 2 hours total per day

High Hand Force

- (5) Pinching an unsupported object(s) weighing 2 or more pounds per hand, or pinching with a force of 4 or more pounds per hand, more than 2 hours total per day (comparable to pinching half a ream of paper)
- (6) Gripping an unsupported object(s) weighing 10 or more pounds per hand, or gripping with a force of 10 or more pounds per hand, more than 2 hours total per day (comparable to clamping light duty automotive jumper cables onto a battery)

Highly Repetitive Motion

- (7) Repeating the same motion with the neck, shoulders, elbows, wrists, or hands (excluding keying activities) with little or no variation every few seconds more than 2 hours total per day
- (8) Performing intensive keying more than 4 hours total per day

Repeated Impact

- (9) Using the hand (heel/base of palm) or knee as a hammer more than 10 times per hour more than 2 hours total per day

Heavy, Frequent or Awkward Lifting

- (10) Lifting objects weighing more than 75 pounds once per day or more than 55 pounds more than 10 times per day
- (11) Lifting objects weighing more than 10 pounds if done more than twice per minute more than 2 hours total per day
- (12) Lifting objects weighing more than 25 pounds above the shoulders, below the knees or at arms length more than 25 times per day

Moderate to High Hand-Arm Vibration

- (13) Using impact wrenches, carpet strippers, chain saws, percussive tools (jack hammers, scalers, riveting or chipping hammers) or other hand tools that typically have high vibration levels more than 30 minutes total per day
- (14) Using grinders, sanders, jig saws or other hand tools that typically have moderate vibration levels more than 2 hours total per day
(Employers may assume that hand tools vibrating less than 2.5 meters per second squared (m/s²) eight-hour equivalent are not covered.)

PART 2

NEW SECTION

WAC 296-62-05110 When do employers' existing ergonomics activities comply with this rule? Employers may continue to use effective alternative methods established before this rule's adoption date. If used, the employer must be able to demonstrate that the alternative methods, taken as a whole, are as effective as the requirements of this rule in reducing the WMSD hazards of each job and providing for employee education, training and participation.

NEW SECTION

WAC 296-62-05120 Which employees must receive ergonomics awareness education and when? (1) Employers must ensure that all employees working in or supervising "caution zone jobs" receive ergonomics awareness education at least once every three years. The employer may provide

ergonomics awareness education or may rely on education provided by another employer or organization. Ergonomics awareness education materials provided by the department of labor and industries may be used to meet these requirements.

(2) When employees are assigned to work in or supervise "caution zone jobs," they must receive ergonomics awareness education within 30 calendar days, unless they have received it in the past three years. This requirement applies when the initial "awareness education" deadline in the implementation schedule (WAC 296-62-05160) has passed.

NEW SECTION

WAC 296-62-05122 What must be included in ergonomics awareness education? Ergonomics awareness education (for example: Oral presentations, videos, computer-based presentations, or written materials with discussion) must include:

- Information on work-related causes of musculoskeletal disorders, including all caution zone risk factors listed in

WAC 296-62-05105 (nonwork factors may be included as well);

- The types, symptoms and consequences of WMSDs and the importance of early reporting;
- Information on identifying WMSD hazards and common measures to reduce them; and
- The requirements of this ergonomics rule.

NEW SECTION

WAC 296-62-05130 What options do employers have for analyzing and reducing WMSD hazards? All covered employers must determine whether "caution zone jobs" have WMSD hazards and must reduce the WMSD hazards identified as described below. **Employers may choose either the general performance approach or the specific performance approach as follows:**

WAC 296-62-05130 - Analyzing and reducing WMSD hazards:

General Performance Approach

- (1) The employer must analyze "caution zone jobs" to identify those with WMSD hazards that must be reduced. A WMSD hazard is a physical risk factor that by itself or in combination with other physical risk factors has a sufficient level of intensity, duration or frequency to cause a substantial risk of WMSDs. The employer must use hazard control levels as effective as the recommended levels in widely used methods such as the Job Strain Index, the lifting guidelines in the Department of Energy ErgoEASER, the ANSI S3.34-1986 (R1997) Hand Arm Vibration Standards, the 1991 NIOSH Lifting Equation, (as described in Waters 1993), the UAW-GM Risk Factor Checklists, applicable ACGIH threshold limit values for physical agents, Rapid Entire Body Assessment (REBA), or Rapid Upper Limb Assessment (RULA).
- (2) The employer must analyze "caution zone jobs" using a systematic method that includes the following, if applicable:
 - Physical demands specific to the worksite including posture, force, repetition, repeated impacts, hand-arm vibration, duration, work pace, task variability and recovery time;
 - Layout of the work area, including reaches, working heights, seating and surfaces; and
 - Manual handling requirements, including size, shape, weight, and packaging.
- (3) Individuals responsible for hazard analysis must know how to use the analysis method effectively and be informed about the requirements of this rule.
- (4) The employer must reduce all WMSD hazards below the criteria chosen in WAC 296-62-05130(1) or to the degree technologically and economically feasible.
- (5) Employers must reduce WMSD hazards as described below by:
 - (a) Implementing controls that do not rely primarily on employee behavior to reduce WMSD hazards, such as the following:
 - Changes to workstations and tools
 - Reducing the size and weights of loads handled

WAC 296-62-05130 - Analyzing and reducing WMSD hazards:

Specific Performance Approach

- (1) The employer must analyze "caution zone jobs" to identify those with WMSD hazards that must be reduced. A WMSD hazard is a physical risk factor that exceeds the criteria in Appendix B of this rule.
- (2) Same as General Performance Approach.
- (3) Individuals responsible for hazard analysis must know how to use the analysis provided in Appendix B effectively and be informed about the requirements of this rule.
- (4) The employer must reduce all WMSD hazards below the criteria in Appendix B of this rule or to the degree technologically and economically feasible.
- (5) Same as General Performance Approach.

PERMANENT

WAC 296-62-05130 - Analyzing and reducing WMSD hazards:

General Performance Approach

- Process redesign to eliminate unnecessary steps or introduce task variety
 - Job rotation
- (b) If employers cannot reduce WMSD hazards below the hazard level using the controls identified above, they must supplement those controls with interim measures that primarily rely on individual work practices or personal protective equipment. Examples of such practices include the following:
- Impact gloves
 - Team lifting
 - Training on work techniques
- (c) This rule does not require an employer to control WMSD hazards by replacing full-time employees with part-time employees or otherwise reducing an individual's hours of employment. If an employer has implemented all other technologically and economically feasible controls, and a WMSD hazard remains, the employer will be deemed in compliance with this subsection.

WAC 296-62-05130 - Analyzing and reducing WMSD hazards:

Specific Performance Approach

- (6) Same as General Performance Approach.
- (7) No written ergonomics program is required. The employer must be able to demonstrate that all WMSD hazards have been reduced below the criteria identified in Appendix B of this rule or to the degree technologically and economically feasible.

- (6) If measures to reduce WMSD hazards include changes in the job or work practices then job-specific training must be provided. This job-specific training must include:
- The hazards of the work activities;
 - Safe work practices; and
 - The proper use and maintenance of specific measures to reduce WMSD hazards that have been implemented.
- (7) No written ergonomics program is required. The employer must be able to demonstrate the following:
- The method used to analyze "caution zone jobs";
 - The criteria used to identify WMSD hazards;
 - The jobs with identified WMSD hazards; and
 - The reduction of all WMSD hazards below the criteria chosen in WAC 296-62-05130(1) or to the degree technologically and economically feasible.

NEW SECTION

WAC 296-62-05140 How must employees be kept involved and informed? (1) The employer must provide for and encourage employee participation in analyzing "caution zone jobs" and selecting measures to reduce WMSD hazards. Employers with eleven or more employees who are required to have safety committees (WAC 296-24-045), must involve this committee in choosing the methods to be used for employee participation.

(2) Employers with eleven or more employees must share the following information with the safety committee (if a committee is required by WAC 296-24-045). Employers who are not required to have a safety committee (WAC 296-24-045) must provide this information at safety meetings:

- The requirements of this rule;
- Identified "caution zone jobs";
- Results of the hazard analysis and/or identification of jobs with WMSD hazards; and

PERMANENT

- Measures to reduce WMSD hazards.

(3) The employer must review its ergonomics activities at least annually for effectiveness and for any needed improvements. This review must include members of the safety committee where one exists or ensure an equally effective means of employee involvement.

NEW SECTION

WAC 296-62-05150 How are terms and phrases used in this rule? Note: Check L&I's WISHA Services web site at <http://www.lni.wa.gov/wisha/ergo> for current links to any of the web sites referred to in this section.

ACGIH threshold limit values for physical hazards - The American Conference of Governmental Industrial Hygienists, Thresholds Limit Values for Chemical Substances and Physical Agents in the Work Environment, and Biological Exposure Indices (TLVs and BEIs). Available for purchase at the ACGIH web site at <http://www.acgih.org>.

ANSI S3.34-1986 (R1997) Hand Arm Vibration Standards - American National Standard Guide for the Measurement and Evaluation of Human Exposure to Vibration Transmitted to the Hand. ANSI S3.34-1986 (R1997). Available for purchase at the ANSI web site at <http://web.ansi.org/default.htm>.

"Caution zone jobs" - Jobs where an employee's typical work activities include any of the specific physical risk factors identified in WAC 296-62-05105. These jobs have a sufficient degree of risk to require ergonomics awareness education and job hazard analysis.

Department of Energy ErgoEASER - Ergonomics Education, Awareness, System Evaluation and Recording (ErgoEASER) software package. U.S. Department of Energy, Office of Environment, Safety, and Health (1995). Can be downloaded from the Department of Energy web site at <http://tis.eh.doe.gov/others/ergoeaser/download.htm>.

Ergonomics - The science and practice of designing jobs or workplaces to match the capabilities and limitations of the human body.

Full Time Equivalent (FTE) - The equivalent of one person working full-time for one year (2,000 worker hours per year). For example, two persons working half time count as one FTE.

High Hand-Arm Vibration Levels - Tools with vibration values equal to or greater than 10 meters per second squared (m/s^2) eight-hour equivalent. Examples include some impact wrenches, carpet strippers, chain saws, and percussive tools.

Intensive Keying - Keying with the hands or fingers in a rapid, steady motion with few opportunities for temporary work pauses.

Job Strain Index - The Strain Index: A proposed method to analyze jobs for risk of distal upper extremity disorders, Moore, J.S., and A. Garg, (1995). Published in American Industrial Hygiene Association Journal, volume 56, pages 443-458. Web site at <http://sg-www.satx.disa.mil/hscemo/tools/strain.htm>.

Moderate Hand-Arm Vibration Levels - Tools with vibration values between 2.5 and 10 meters per second

squared (m/s^2) eight-hour equivalent. Examples include some grinders, sanders, and jig saws.

NIOSH Lifting Equation, 1991 - Waters, T.R., Putz-Anderson, V., Garg, A., and Fine, L.J. (1993). Revised NIOSH equation for the design and evaluation of manual lifting tasks. Published in Ergonomics, volume 36 (7), pages 749-776. For a manual on using the lifting equation see: Applications Manual for Revised Lifting Equation, Waters, T., Putz-Anderson, V., Garg, A., (1994). Available from the National Technical Information Center (NTIS), Springfield, VA 22161. 1-800-553-6847. Calculator web site at <http://www.industrialhygiene.com/calc/lift.html>. Application guideline web site at <http://www.cdc.gov/niosh/94-110.html>.

Rapid Entire Body Assessment tool (REBA) - Hignett, S. and McAtamney, L. (2000) Rapid entire body assessment (REBA). Published in Applied Ergonomics, volume 31, pages 201-205.

Recovery Time - Work periods with light task demands, or rest breaks, that permit an employee to recover from physically demanding work.

The Rapid Upper Limb Assessment (RULA) - McAtamney, L. and Corlett, E.N. (1993) RULA: A survey method for the investigation of work-related upper limb disorders. Published in Applied Ergonomics, volume 24 (2), pages 91-99.

UAW-GM Risk Factor Checklists - UAW-GM Risk Factor Checklist 2, 1998. UAW-GM (United Auto Workers-General Motors) Center for Human Resources, Health and Safety Center, 1030 Doris Road, Auburn Hills, Michigan.

Work Activities - The physical demands, exertions, or functions of the job or task.

Work-Related Musculoskeletal Disorders (WMSDs) - Work-related disorders that involve soft tissues such as muscles, tendons, ligaments, joints, blood vessels and nerves. Examples include: Muscle strains and tears, ligament sprains, joint and tendon inflammation, pinched nerves, degeneration of spinal discs, carpal tunnel syndrome, tendinitis, rotator cuff syndrome. For purposes of this rule WMSDs do not include injuries from slips, trips, falls, motor vehicle accidents or being struck by or caught in objects.

PART 3

NEW SECTION

WAC 296-62-05160 When must employers comply with this rule? Employers covered by this rule must comply with its requirements by the dates shown.

INITIAL IMPLEMENTATION SCHEDULE

Employer	Awareness Education Completed And Hazard Analysis Completed	Hazard Reduction Completed
<ul style="list-style-type: none"> All employers in SIC codes* 078, 152, 174, 175, 176, 177, 242, 421, 451, 541, 805, and 836 who employ 50 or more annual full time equivalents (FTEs) in Washington state The Washington State Department of Labor & Industries 	July 1, 2002	July 1, 2003
<ul style="list-style-type: none"> The remaining employers in SIC codes* 078, 152, 174, 175, 176, 177, 242, 421, 451, 541, 805 and 836 All other employers who employ 50 or more annual full time equivalents (FTEs) in Washington state 	July 1, 2003	July 1, 2004
All other employers employing 11-49 annual full time equivalents (FTEs) in Washington state.	July 1, 2004	July 1, 2005
All other employers employing 10 or fewer annual full time equivalents (FTEs) in Washington state.	July 1, 2005	July 1, 2006

SUPPLEMENTAL IMPLEMENTATION SCHEDULE

New workplaces or businesses	One year from the date the new workplace or business is established	15 months from the date the new workplace or business is established
	OR	OR
	According to the schedule above	According to the schedule above
Significant changes to existing workplaces or businesses	2 months after significant changes occur	3 months after significant changes occur
	OR	OR
	According to the schedule above	According to the schedule above

* Note: SIC code is the employer's primary SIC based on hours of employment. See Appendix C of this rule for descriptions of these SIC codes.

Note: Help for employers in implementing the rule.

- (1) **Developing Ergonomics Guides and Models**
The department will work with employer and employee organizations to develop guides for complying with this rule (for example, a model program for ergonomics awareness education). Employer use of these guides will be optional.
- (2) **Identifying Industry "Best Practices"**
The department will work with employer and employee organizations to develop or identify methods of reducing WMSD hazards that will serve as examples of industry-specific "best practices." As industry-specific "best practices" are developed, they may be used to demonstrate employer compliance with the requirement to reduce WMSD hazards. Employers will not be restricted to the use of industry "best practices" for compliance.

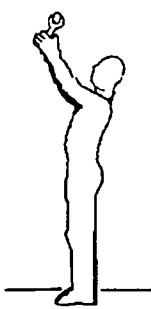
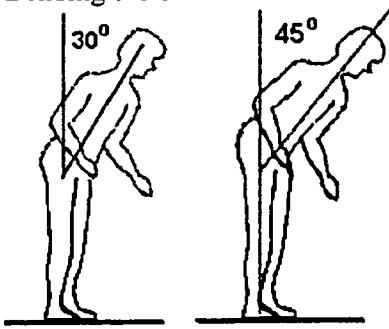
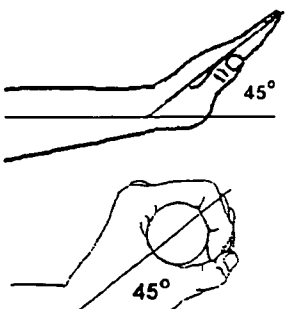
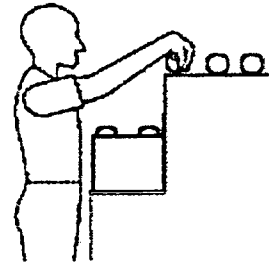

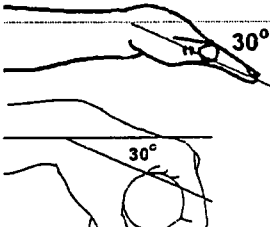
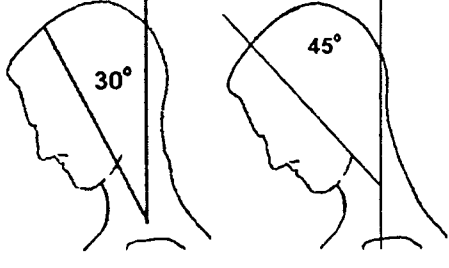
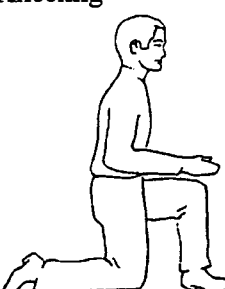
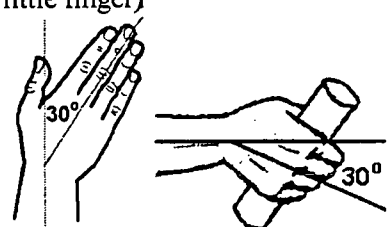
- (3) **Establishing Inspection Policies and Procedures**
The department will develop policies and procedures for inspections and enforcement of this rule before the rule is enforced. These policies and procedures will be communicated to employers and employees through mailing lists, business associations, labor unions and other methods before the department issues any citations or penalties.
- (4) **Conducting Demonstration Projects**
Following adoption of this rule, the department will work with employers and employees to undertake demonstration projects to test and improve guidelines, "best practices" and inspection policies and procedures as they are developed.
- (5) **Providing Information on Ergonomics**
The department will work with employer and employee organizations to collect and share the most effective examples of ergonomics training, job analysis, and specific solutions to problems. The department will make special efforts to share this information with the small business community.

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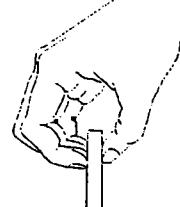
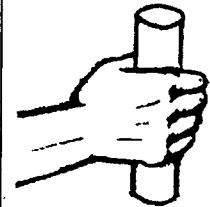
WAC 296-62-05172 Appendix A: Illustrations of physical risk factors. The following illustrations are provided as reference only. Some users of this rule may find the pictures aid their understanding of the text in WAC 296-62-05105.

Awkward Postures

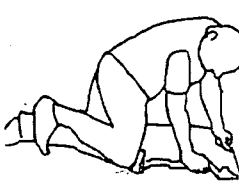
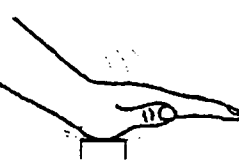
<p>Raising the hands above the head</p> 	<p>Bending the back</p> 	<p>Bending the wrist Extension</p> 
<p>Raising the elbows above the shoulders</p> 	<p>Squatting</p> 	<p>Flexion</p> 
<p>Bending the neck</p> 	<p>Kneeling</p> 	<p>Ulnar deviation (bent towards the little finger)</p> 

PERMANENT

High Hand Force

<p>Pinching 2 lbs.</p> 	<p>Gripping 10 lbs.</p> 
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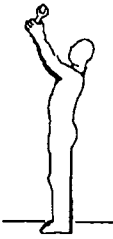
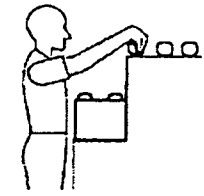
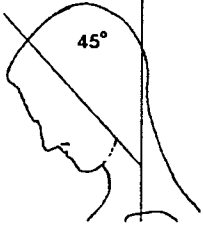
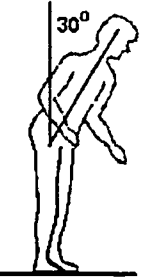
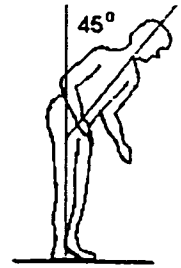
Repeated Impacts

<p>Using the knee as a hammer</p> 	<p>Using the hand as a hammer</p> 
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NEW SECTION



WAC 296-62-05174 Appendix B: Criteria for analyzing and reducing WMSD hazards for employers who choose the Specific Performance Approach. For each "caution zone job" find any physical risk factors that apply. Reading across the page, determine if all of the conditions are present in the work activities. If they are, a WMSD hazard exists and must be reduced below the hazard level or to the degree technologically and economically feasible (see WAC 296-62-05130(4), specific performance approach).

Check (✓) here if this is a WMSD hazard

Awkward Posture			
Body Part	Physical Risk Factor	Duration	Visual Aid
Shoulders	Working with the hand(s) above the head or the elbow(s) above the shoulder(s)	More than 4 hours total per day	
	Repetitively raising the hand(s) above the head or the elbow(s) above the shoulder(s) more than once per minute	More than 4 hours total per day	
Neck	Working with the neck bent more than 45° (without support or the ability to vary posture)	More than 4 hours total per day	
Back	Working with the back bent forward more than 30° (without support, or the ability to vary posture)	More than 4 hours total per day	
	Working with the back bent forward more than 45° (without support or the ability to vary posture)	More than 2 hours total per day	

PERMANENT

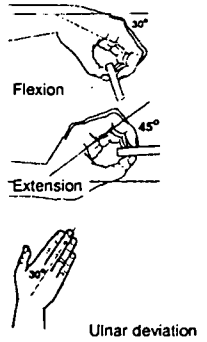

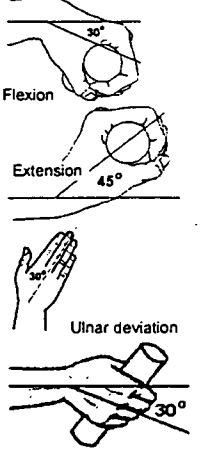
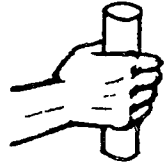
Awkward Posture (continued)

Body Part	Physical Risk Factor	Duration	Visual Aid
Knees	Squatting	More than 4 hours total per day	
	Kneeling	More than 4 hours total per day	

Check (✓) here if this is a WMSD hazard

PERMANENT

High Hand Force

Body Part	Physical Risk Factor	Combined with	Duration	Visual Aid
Arms, wrists, hands	Pinching an unsupported object(s) weighing 2 or more pounds per hand, or pinching with a force of 4 or more pounds per hand (comparable to pinching half a ream of paper)	Highly repetitive motion	More than 3 hours total per day	
		Wrists bent in flexion 30° or more, or in extension 45° or more, or in ulnar deviation 30° or more	More than 3 hours total per day	
		No other risk factors	More than 4 hours total per day	
Arms, wrists, hands	Gripping an unsupported object(s) weighing 10 or more pounds per hand, or gripping with a force of 10 pounds or more per hand (comparable to clamping light duty automotive jumper cables onto a battery)	Highly repetitive motion	More than 3 hours total per day	
		Wrists bent in flexion 30° or more, or in extension 45° or more, or in ulnar deviation 30° or more	More than 3 hours total per day	
		No other risk factors	More than 4 hours total per day	

Check (✓) here if this is a WMSD hazard

PERMANENT


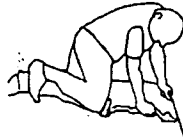
Highly Repetitive Motion

Body Part	Physical Risk Factor	Combined with	Duration
Neck, shoulders, elbows, wrists, hands	Using the same motion with little or no variation every few seconds (excluding keying activities)	No other risk factors	More than 6 hours total per day
	Using the same motion with little or no variation every few seconds (excluding keying activities)	Wrists bent in flexion 30° or more, or in extension 45° or more, or in ulnar deviation 30° or more AND High, forceful exertions with the hand(s)	More than 2 hours total per day
	Intensive keying	Awkward posture, including wrists bent in flexion 30° or more, or in extension 45° or more, or in ulnar deviation 30° or more	More than 4 hours total per day
		No other risk factors	More than 7 hours total per day

Check (✓) here if this is a WMSD hazard

PERMANENT

Repeated Impact

Body Part	Physical Risk Factor	Duration	Visual Aid
Hands	Using the hand (heel/base of palm) as a hammer more than once per minute	More than 2 hours total per day	
Knees	Using the knee as a hammer more than once per minute	More than 2 hours total per day	

Check (✓) here if this is a WMSD hazard

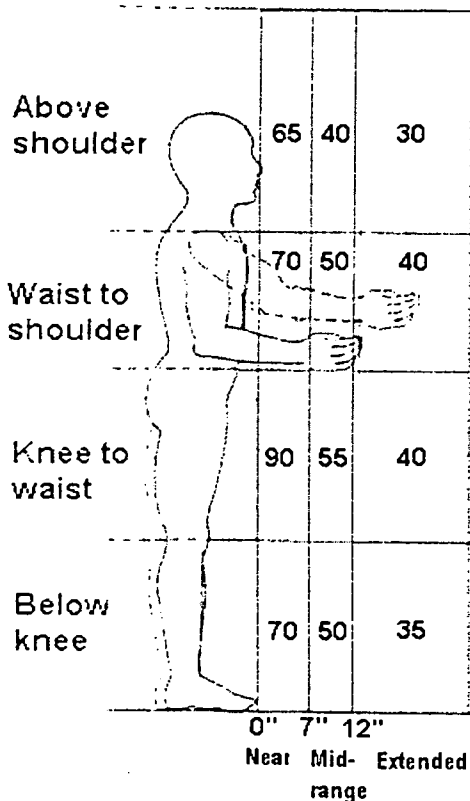
Heavy, Frequent or Awkward Lifting

This analysis only pertains if you have "caution zone jobs" where employees lift 10 lbs. or more (see WAC 296-62-05105, Heavy, Frequent, or Awkward Lifting) and you have chosen the specific performance approach.

Step 1 Find out the actual weight of objects that the employee lifts.

Actual Weight = _____ lbs.

Step 2 Determine the Unadjusted Weight Limit. Where are the employee's hands when they begin to lift or lower the object? Mark that spot on the diagram below. The number in that box is the Unadjusted Weight Limit in pounds.



Unadjusted Weight Limit: _____ lbs.

Step 3 Find the Limit Reduction Modifier. Find out how many times the employee lifts per minute and the total number of hours per day spent lifting. Use this information to look up the Limit Reduction Modifier in the table below.

How many lifts per minute?	For how many hours per day?		
	1 hr or less	1 hr to 2 hrs	2 hrs or more
1 lift every 2-5 mins.	1.0	0.95	0.85
1 lift every min	0.95	0.9	0.75
2-3 lifts every min	0.9	0.85	0.65
4-5 lifts every min	0.85	0.7	0.45
6-7 lifts every min	0.75	0.5	0.25
8-9 lifts every min	0.6	0.35	0.15
10+ lifts every min	0.3	0.2	0.0

Note: For lifting done less than once every five minutes, use 1.0

Limit Reduction Modifier: _____

Step 4 Calculate the Weight Limit. Start by copying the Unadjusted Weight Limit from Step 2.

Unadjusted Weight Limit: = _____ lbs.

If the employee twists more than 45 degrees while lifting, reduce the Unadjusted Weight Limit by multiplying by 0.85. Otherwise, use the Unadjusted Weight Limit

Twisting Adjustment: = _____

Adjusted Weight Limit: = _____ lbs.

Multiply the Adjusted Weight Limit by the Limit Reduction Modifier from Step 3 to get the Weight Limit.

Limit Reduction Modifier: _____

Weight Limit: = _____ lbs.

Step 5 Is this a hazard? Compare the Weight Limit calculated in Step 4 with the Actual Weight lifted from Step 1. If the Actual Weight lifted is greater than the Weight Limit calculated, then the lifting is a WMSD hazard and must be reduced below the hazard level or to the degree technologically and economically feasible.

Note: If the job involves lifts of objects with a number of different weights and/or from a number of different locations, use Steps 1 through 5 above to:

- Analyze the two worst case lifts – the heaviest object lifted and the lift done in the most awkward posture.
- Analyze the most commonly performed lift. In Step 3, use the frequency and duration for all of the lifting done in a typical workday.

PERMANENT

Hand-Arm Vibration

Use the instructions below to determine if a hand-arm vibration hazard exists.

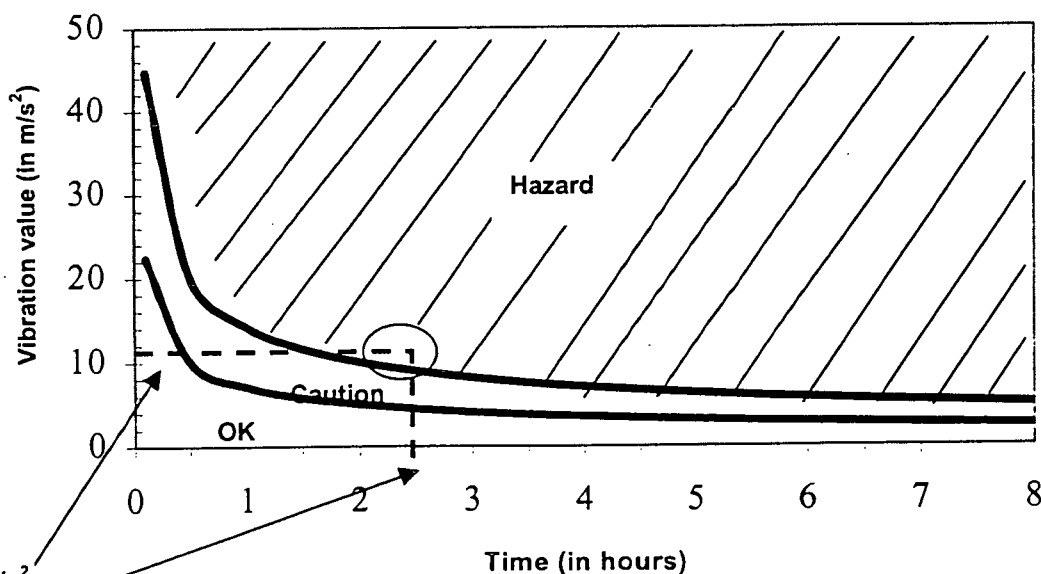
Step 1. Find the vibration value for the tool. (Get it from the manufacturer, look it up at this web site: <http://umetech.niwl.se/vibration/HAVHome.html>, or you may measure the vibration yourself). The vibration value will be in units of meters per second squared (m/s^2). On the graph below find the point on the left side that is equal to the vibration value.

Note: You can also link to this web site through the L&I WISHA Services Ergonomics web site: <http://www.lni.wa.gov/wisha/ergo>

Step 2. Find out how many total hours per day the employee is using the tool and find that point on the bottom of the graph.

Step 3. Trace a line in from each of these two points until they cross.

Step 4. If that point lies in the crosshatched "Hazard" area above the upper curve, then the vibration hazard must be reduced below the hazard level or to the degree technologically and economically feasible. If the point lies between the two curves in the "Caution" area, then the job remains as a "Caution Zone Job." If it falls in the "OK" area below the bottom curve, then no further steps are required.



Example:

An impact wrench with a vibration value of $12 m/s^2$ is used for $2\frac{1}{2}$ hours total per day. The exposure level is in the Hazard area. The vibration must be reduced below the hazard level or to the degree technologically and economically feasible.

Note: The caution limit curve (bottom) is based on an 8-hour energy-equivalent frequency-weighted acceleration value of $2.5 m/s^2$. The hazard limit curve (top) is based on an 8-hour energy-equivalent frequency-weighted acceleration value of $5 m/s^2$.

NEW SECTION

WAC 296-62-05176 Appendix C: Standard Industry Classification (SIC) codes. The descriptive titles for the SIC codes listed in the implementation schedule (WAC 296-62-05160) are provided below. SIC codes are established by the federal Office of Management and Budget and are listed in the *Standard Industrial Classification Manual*, 1987 edition.

SIC*	INDUSTRY	EXAMPLES
078	Landscape and Horticultural Services	<ul style="list-style-type: none"> • lawn and garden services • ornamental shrub and tree services
152	General Building Contractors, Residential Buildings	<ul style="list-style-type: none"> • general contractors single family houses • general contractors residential buildings other than single family
174	Masonry, Stonework, Tile Setting & Plastering	<ul style="list-style-type: none"> • masonry, stone setting, and other stone work • plastering, drywall, acoustical, and insulation work • terrazzo, tile, marble, and mosaic work
175	Carpentry and Floor Work	<ul style="list-style-type: none"> • carpentry work • floor laying and other floor work (NEC**)
176	Roofing, Siding and Sheet Metal	<ul style="list-style-type: none"> • installation of roofing, siding, and sheet metal work
177	Concrete Work	<ul style="list-style-type: none"> • includes portland cement and asphalt
242	Sawmills & Planing Mills	<ul style="list-style-type: none"> • sawmills and planing mills • hardwood dimension and flooring mills • special products sawmills (NEC**)
421	Trucking & Courier Service, not Air	<ul style="list-style-type: none"> • trucking • local trucking with or without storage • courier services (except by air)
451	Air Transportation, Scheduled and Air Courier	<ul style="list-style-type: none"> • scheduled air transportation • air courier services <p>Note: WISHA jurisdiction excludes planes in flight.</p>
541	Grocery Stores	<ul style="list-style-type: none"> • supermarkets • food stores • grocery stores
805	Nursing & Personal Care	<ul style="list-style-type: none"> • skilled nursing care facilities • intermediate care facilities • nursing and personal care facilities (NEC**)
836	Residential Care	<ul style="list-style-type: none"> • Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element.

*SIC or NAICS equivalent. In 2000, federal agencies that produce statistical data will adopt NAICS (North American Industry Classification System) codes and begin to phase out the SIC codes. State and local government agencies also will use this new coding structure to promote a common language for categorizing today's industries.

**NEC - not elsewhere classified.

WSR 00-12-032
PERMANENT RULES
LOTTERY COMMISSION

[Filed May 30, 2000, 10:31 a.m.]

Date of Adoption: May 19, 2000.

Purpose: To allow the director the discretion to adjust prize payment schedules to improve administrative efficiency.

Citation of Existing Rules Affected by this Order: Amending WAC 315-06-120 Payment of prizes.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 00-07-130 on March 22, 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.

May 26, 2000

Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-19-103, filed 9/20/99, effective 10/21/99)

WAC 315-06-120 Payment of prizes—General provisions. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: Provided, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of all or part of the remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2).

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated, or the date the winner makes a choice of payment by annual payments or by single cash payment pursuant to WAC 315-34-057. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; however, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded. However, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's

confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize. Such "win for life" type prizes shall cease upon the death of the winner or the end of a guaranteed payment period (if any), whichever is later. Win for life prizes may be assigned; and the following conditions apply to such assignments:

(a) The original winner's actual life shall determine when prize payments cease; and

(b) The assignee shall be responsible for notifying the lottery of the original winner's death.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

WSR 00-12-037

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 31, 2000, 1:30 p.m.]

Date of Adoption: May 31, 2000.

Purpose: These rules clarify procedures for school district submission of revisions to state fiscal data during an audit by requiring the district to provide a copy of revisions to the State Auditor's Office.

Citation of Existing Rules Affected by this Order:
Amending WAC 392-117-045.

Statutory Authority for Adoption: RCW 28A.150.290(1).

Adopted under notice filed as WSR 00-09-072 on April 18, 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.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 31, 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 00-12-051
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed June 5, 2000, 12:21 p.m.]

Date of Adoption: May 31, 2000.

Purpose: The Liquor Control Board has reviewed all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. Chapter 314-02 WAC has replaced portions of the WACs listed on this notice that outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores.

Citation of Existing Rules Affected by this Order: Amending WAC 314-16-040 Service limited to license and

order—Removal of liquor in open containers—Room service—Price list, 314-16-190 Spirits, beer and wine restaurant—Qualifications, and 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for serve bar only premises.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Adopted under notice filed as WSR 00-07-116 on March 21, 2000.

Changes Other than Editing from Proposed to Adopted Version: The proposed adopted version indicated subsection (6) of WAC 314-16-196 would be deleted. This subsection is not deleted in the final version of this filing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 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: Thirty-one days after filing.

June 1, 2000

Eugene Prince

Chair

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be

recorded, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.320 and 66.24.400.

~~(4) (No holder of a spirits, beer and wine restaurant license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a spirits, beer and wine restaurant license, all other classes of retail licenses which may be held by such new spirits, beer and wine restaurant licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.~~

~~(5) When a hotel and restaurant are located in the same building or in adjoining buildings and owned by the same person or entity, room service may be provided to the hotel patrons. When the restaurant and hotel are under separate ownership, room service is authorized only when a limited lease or agreement for that purpose has been submitted to and approved by the board.~~

~~(6))~~ No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A spirits, beer and wine restaurant licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

~~((7))~~ (5) No holder of a beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-190 Spirits, beer and wine restaurant—Qualifications. (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (5) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (5) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

~~(2) ((All restaurant applicants for a spirits, beer and wine license, in addition to furnishing all requested material and information relating to the premises applied for and their per-~~

~~sonal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).~~

~~(3) A restaurant applicant for a spirits, beer and wine license shall be subject to the following requirements which are conditions precedent to action by the board on the application:~~

~~(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.~~

~~(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.~~

~~(4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.~~

~~(5))~~ Each spirits, beer and wine restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.

~~((6))~~ (3) The restaurant area of any spirits, beer and wine restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.

~~((7) The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection (5) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.~~

~~(8) The refusal or failure by any licensee or employee thereof to provide complete meals or minimum food service shall be prima facie evidence of a violation of this section.~~

~~(9) In the event a spirits, beer and wine restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its spirits, beer and wine restaurant license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the spirits, beer and wine restaurant license under such terms and conditions as the board determines are in the best interest of the public.))~~

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises. (1) Definitions. For the purpose of this section:

(a) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(b) "Cabaret" means a dining area also used to conduct entertainment such as live music, patron dancing, comedy and floor shows.

(c) "Cocktail lounge" means that portion of a licensed premises used primarily for the preparation, sale and service of liquor. Persons under twenty-one years of age are not permitted to enter a cocktail lounge except as otherwise provided under this title.

(d) "Public service area" means those public areas where food and/or liquor is normally sold and served to the general public.

(e) "Dining room" means that area dedicated to the sale and service of food with liquor being incidental to dining. A dining area must be separate and apart from a dance floor, entertainment stage, cocktail lounge or game area except if written permission is given by the board to use a dining area during specified times as a cabaret area.

(f) "Service bar" means any fixed or portable table, counter, cart or similar work station primarily used to prepare, mix, serve and sell liquor for pickup only, by employees and customers.

(2) Before the board shall issue a spirits, beer and wine restaurant license to a bona fide restaurant, the applicant shall submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least fifteen percent of the total public service area: Provided,

(a) Banquet rooms are permitted without limitations as to number or size.

(b) Routine sale and service of liquor in a banquet room to the public requires written board approval.

(3) The boundary of a cocktail lounge or other restricted area shall be clearly defined as a separate and distinct area by fixed or movable barriers, including, but not limited to, railings, ropes and stanchions, shrubbery or other closely placed plantings, etc.

(a) Restricted area entrances may be no wider than ten feet.

(b) Minor prohibited signs as required by WAC 314-16-025 must be placed at all restricted area entrances and other locations as necessary.

(c) The licensee is responsible to construct and post restricted area boundaries to reasonably prevent unauthorized persons from entering such areas.

(d) Movable barriers may not be placed so as to reduce the required dining area to less than fifteen percent.

(4) In spirits, beer and wine restaurant premises with a cocktail lounge, any portable service bar(s) may be placed in, or moved about, public service areas other than the dining area(s) without need for separate board approval.

(a) Any permanently fixed service bar(s) must be included as part of original floor plans or submitted as an alterations request, requiring board approval.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(5) Spirits, beer and wine restaurant licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection (2) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of permanently fixed service bar(s) shall be approved, in writing, by the board.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

~~((d) A spirits, beer and wine licensed restaurant having a service bar(s) only, is not eligible for entertainment except for the added activity of live background music. Written board approval is required.))~~

(6) If the board issues a spirits, beer and wine restaurant license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge, the board will process such a change in the same manner as an application for a new spirits, beer and wine restaurant license (i.e., notice will be posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified).

(7) The board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

WSR 00-12-098
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Office of Rates Management)
[Filed June 7, 2000, 11:25 a.m.]

Date of Adoption: June 7, 2000.

Purpose: To implement the two Medicaid nursing facility payment programs required [by] RCW 74.46.508 Exceptional direct care and therapy care payment rates.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-901.

Statutory Authority for Adoption: RCW 74.46.800, 74.46.508.

Adopted under notice filed as WSR 00-09-080 on [April 18, 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 4, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 7, 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 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 terminate 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 relat-

ing 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;
- (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.

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

WSR 00-12-102
PERMANENT RULES
DEPARTMENT OF HEALTH
(Chemical Dependency Professionals)
[Filed June 7, 2000, 11:46 a.m.]

Date of Adoption: May 15, 2000.

Purpose: There is a need to implement the 1998 legislation to further define what will be required for the client disclosure information standards for chemical dependency professional certification.

Statutory Authority for Adoption: RCW 18.205.060(15).

Adopted under notice filed as WSR 00-08-100 on April 5, 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 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 6, 2000

Nancy Ellison
for Mary C. Selecky
Secretary

CLIENT DISCLOSURE INFORMATION

NEW SECTION

WAC 246-811-090 Who must provide client disclosure information? Chemical dependency professionals must provide disclosure information to each client prior to the delivery of certified services (WAC 440-22-010). Disclosure information may be printed in a format of the chemical dependency professional's choosing or in a general format used by a state approved treatment facility.

NEW SECTION

WAC 246-811-100 What must I include on my disclosure statement? (1) The following information must be printed on all disclosure statements provided to counseling clients in language that can be easily understood by the client:

(a) Name of firm, agency, business, or chemical dependency professional's practice.

(b) Chemical dependency professional's business address and telephone number.

(c) Washington state certified chemical dependency professional number.

(d) The chemical dependency professional's name with credentials.

(e) Billing information, including:

(i) Client's cost per each counseling session;

(ii) Billing practices, including any advance payments and refunds.

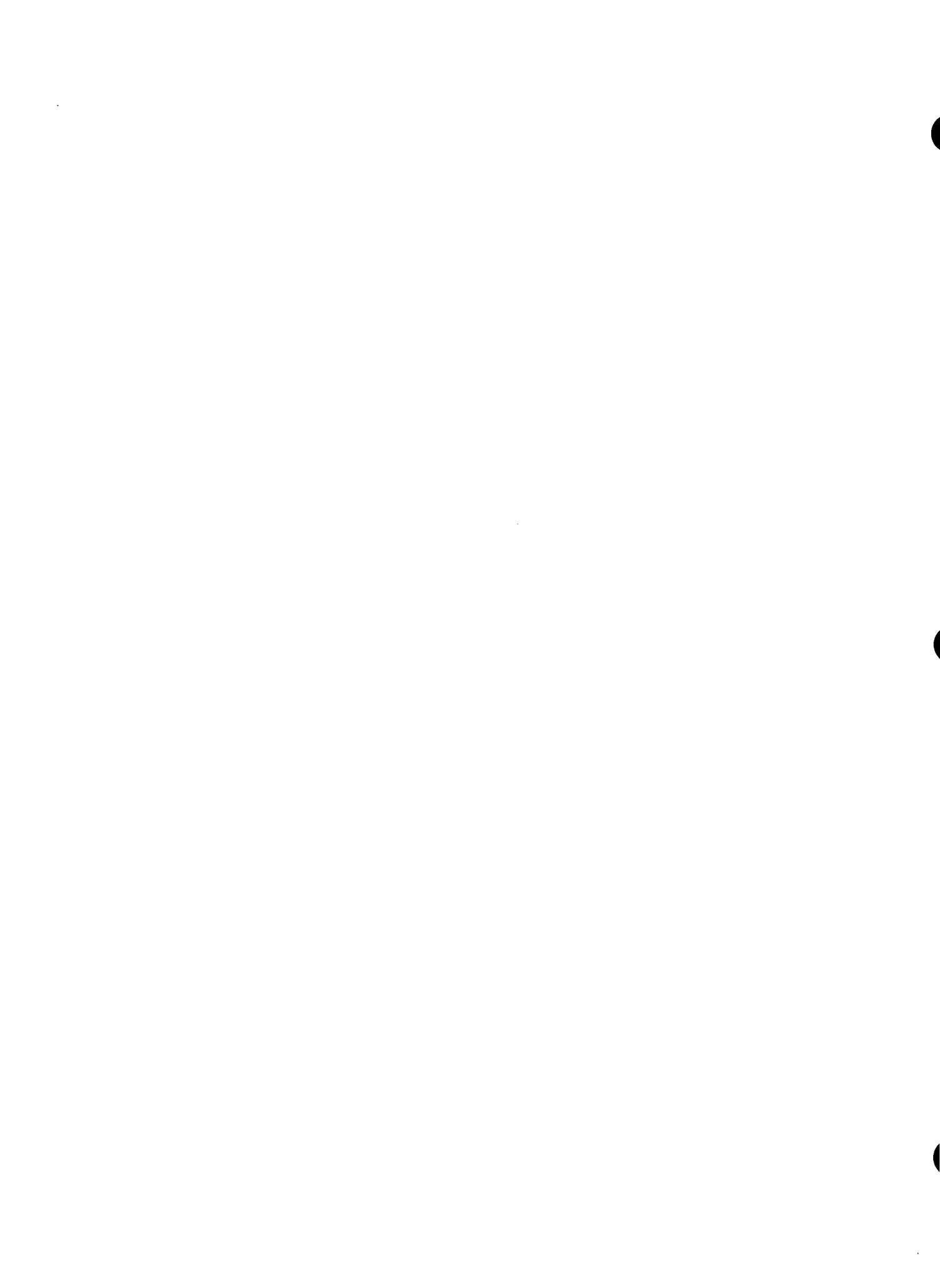
(f) A list of the acts of unprofessional conduct in RCW 18.130.180 including the name, address, and contact telephone number within the department of health.

(2) The chemical dependency professional and the client must sign and date a statement indicating that the client has been provided a copy of the required disclosure information and the client has read and understands the information provided.

NEW SECTION

WAC 246-811-110 What happens if I fail to provide client disclosure information? Failure to provide to the client any of the disclosure information required by WAC 246-811-090 and 246-811-100 constitutes an act of unprofessional conduct as defined in RCW 18.130.180(7) and may be grounds for disciplinary action.

PERMANENT



WSR 00-12-009
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-470, Docket No. TR-000606—Filed May 25, 2000, 12:29 p.m.]

In the matter of adopting WAC 480-62-235, relating to flaggers.

1. This emergency rule-making proceeding addresses the safety of flaggers, and is designed to adopt rules to become effective when filed.

2. The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040, 81.53.410, 81.53.420 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

3. Section 1, chapter 239, Laws of 2000 requires the commission, as well as the Washington State Department of Transportation and the Department of Labor and Industries, to adopt emergency rules to reduce dangers to flaggers. Accidents in which flaggers were struck from behind and killed provided the primary impetus for the requirement. The state law requires that rules be effective by June 1, 2000. In addition, rules must be adopted immediately because the construction season has begun. As weather improves, more flaggers will be exposed to the dangers giving rise to the need for additional rules. These emergency rules may remain in effect until permanent rules are adopted, or until March 1, 2001, whichever is sooner.

4. On April 25, 2000, the commission gave notice of the proposed emergency rule adoption to interested persons and provided the opportunity for comment. The commission received written comments from the Puget Sound and Pacific Railway Company, the Burlington Northern and Santa Fe Railway Company and the Union Pacific Railroad. As a result of those comments and of revisions suggested by the Department of Labor and Industries, the proposed rules were revised to incorporate new ideas and to clarify the scope and meaning of the rules. The revised proposed rules were mailed to interested parties on May 19, 2000, for further comment. The commission also provided notice of the proposed emergency rule adoption scheduled for May 24, 2000. No further comments were made by interested persons.

5. The Washington Utilities and Transportation Commission finds that an emergency exists. The commission finds that state law requires immediate adoption of a new rule involving railroad flaggers working on crossing construction, repair and maintenance projects. The proposed rules make existing rules more consistent with other agencies' rules, and provide additional requirements for work place safety.

6. The commission is currently reviewing general operation rules governing railroads under Docket No. TR-981102. During that rule-making process, the emergency rules will be reviewed to determine whether they should be made permanent in their current or altered form, and they will be reviewed for economic and environmental impacts.

7. In reviewing the entire record, the commission determines that it should adopt WAC 480-62-235, as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to be effective when filed.

ORDER

8. THE COMMISSION FURTHER ORDERS That WAC 480-62-235, as set forth in Appendix A, is adopted, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective when filed.

9. THE COMMISSION ORDERS That this order and the rule set forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 24th day of May 2000

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner

APPENDIX A

NEW SECTION

WAC 460-62-235 Flaggers. (1) The rules in this section apply whenever a railroad engages in maintenance, repair, or construction of a grade crossing or overcrossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction, or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 CFR Part 234. In that section, 49 CFR Part 234.5 recommends that railroads follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The Commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 CFR Part 234.

NOTE: Copies of the MUTCD may be obtained by writing to:

US Government Printing Office
Superintendent of Documents
Mail Stop: SSOP
Washington DC 20402-9328
Or

Copies may be reviewed at the branch of the Washington State Library located at the Commission Headquarters, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

(2) The rules in this section take precedence over the rules in WAC 480-62-020 and WAC 480-62-030 whenever there is a conflict with the rules in this section.

(3) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up and used according to the guidelines in American National Standards Institute D6.1, Manual on Uniform Traffic Control Devices, Part VI.

(4) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in the work zone. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(5)(a) While flagging during daylight hours, a flagger must wear:

A high visibility warning garment designed according to ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel specifications; and

A high-visibility hard hat.

(b) While flagging at night, a flagger must wear:

A high-visibility warning garment designed according to ANSI/ISEA 107-1999 specifications over white coveralls or other coveralls or trousers designed according to ANSI/ISEA 107-1999; and

A high-visibility hard hat that is iridescent or marked with reflectorized material.

(c) During inclement weather, yellow rain gear may be substituted for white coveralls.

NOTE: Copies of ANSI/ISEA 107-1999 may be obtained by writing:

American National Standards Institute

11 West 42nd Street

New York, NY 10036

Or

By contacting the ANSI web site at <http://web.ansi.org>

Or

Copies may be reviewed at the branch of the Washington State Library located at the Commission Headquarters, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

(6) The railroad must develop and use a method to ensure that flaggers have adequate warning of objects approaching from behind the flagger. The best method is for the railroad to ensure that the flagger is located where it is impossible for objects to approach the flagger from behind under all circumstances. If that is not possible, the following are examples of methods that may be used to adequately warn flaggers: Mounted mirror on hard hat;

Motion detector with audible warning;

Intrusion alarms; or

Spotter (placed at a safe distance from the flagger and out of the way of all possible traffic).

(7) The railroad must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when jobsite conditions change. The briefing must include applicable portions of the Traffic Control Plan and any changes applicable during the flagger's shift. If not covered in the Traffic Control Plan, the briefing must also include:

The flagger's role and location on the job site;

Motor vehicles and equipment in operation at the site; Worksite traffic patterns;

Communications and signals to be used between flaggers and equipment operators;

Expected train and other on track equipment movements; On foot escape route; and

Other hazards specific to the worksite.

(8)(a) Where flaggers are used on roads allowing speeds of at least 45 mph, the railroad must provide an additional

warning sign marked "Be Prepared To Stop" or "Flagger Ahead."

(b) This sign is in addition to those required under ANSI D6.1 - 1988, Manual on Uniform Traffic Control Devices and should be placed between the last two warning signs in the series or on the opposite side of the road on undivided roads.

(c) This additional sign does not increase the required advance warning area. Its purpose is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(9) Railroads must ensure that:

Flagger workstations are illuminated at night and during inclement weather;

Advance Warning Signs reflect the actual condition of the work zone;

Flaggers are not assigned other duties while engaged in flagging activities; and

Flaggers do not use devices (i.e. cell phones, pagers, radio headphone, etc.) that may distract the vision, hearing and/or attention of the flagger. Devices such as two-way radios used for communications between flaggers to direct traffic or ensure flagger safety are acceptable.

(10) Unless an emergency makes it impossible, before performing any work, railroads must coordinate all repair, maintenance, and construction work with the political authority responsible for the road on which the crossing is located.

Reviser's note: The section above was filed by the agency as WAC 460-62-235. However, the other rules for the Utilities and Transportation Commission are found in Title 480 WAC. The section above appears to be WAC 480-62-235, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

**WSR 00-12-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-79—Filed May 25, 2000, 4:27 p.m., effective May 26, 2000, 12:01 a.m.]

Date of Adoption: May 25, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31900Z and 220-57-31900A; and amending WAC 220-57-319.

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: Hatchery escapement goals are expected to be achieved. This regulation is removing angling restrictions placed on this fishery in April and early May. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 26, 2000, 12:01 a.m.

May 25, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-57-31900A Lewis River—Lewis River North Fork. Notwithstanding the provisions of WAC 220-57-319, effective 12:01 a.m. May 26, 2000 through July 31, 2000, it is lawful to take, fish for or possess salmon in those waters of the Lewis River/Lewis River North Fork from the mouth upstream to the overhead power lines below Merwin Dam. Daily Limit: Six salmon per day, not more than two adults. Night closure and non-buoyant lure restriction in effect in those waters from Colvin Creek downstream to Johnson Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 26, 2000:

WAC 220-57-31900Z Lewis River. (00-26)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 31, 2000:

WAC 220-57-31900A Lewis River—Lewis River North Fork.

**WSR 00-12-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-84—Filed May 25, 2000, 4:30 p.m., effective May 29, 2000, 11:59 p.m.]

Date of Adoption: May 25, 2000.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500N; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The halibut quota is projected to be taken by May 29, 2000, and this regulation is needed to bring state regulations for recreational halibut in conformance to federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 29, 2000, 11:59 p.m.

May 25, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-25500P Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 29, 2000 until further notice, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Marine Area 1: Open immediately until further notice. Minimum size 32 inches in length. The daily limit is the first halibut 32 inches in length or greater brought aboard the vessel.

(2) Marine Area 2:

(a) Waters south of the Queets River, north of 47°N and east of 124°40'W: Open immediately until further notice.

(b) All other waters in Marine Area 2: Closed until further notice.

(c) The daily bag limit is one halibut with no length restrictions

(3) Marine Areas 3 and 4:

(a) Open immediately until further notice, except closed 12:01 a.m. each Sunday through 11:59 p.m. each Monday and in the closed waters of a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°04'N, 125°11'W; 48°04'N, 124°59'W

(b) The daily bag limit is one halibut with no length restrictions.

(4) Marine Areas 5 through 13:

(a) Open immediately through July 27, 2000, except closed 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(b) The daily bag limit is one halibut with no length restrictions.

(5) Any halibut landed in a Washington port must meet the regulations in effect for the port of landing, regardless of area of catch. This provision does not apply to halibut lawfully caught in Canadian waters and landed at a port in Washington.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 29, 2000:

WAC 220-56-25500N Halibut—Seasons—Daily limits. (00-65)

WSR 00-12-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-85—Filed May 25, 2000, 4:32 p.m.]

Date of Adoption: May 25, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100B and 220-69-24000P; and amending WAC 220-52-051 and 220-69-240.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest. The additional catch reporting rules are necessary to maintain an orderly fishery, provide the ability to enforce the 2000 state/tribal Puget Sound shrimp harvest management plan requirements, and to ensure conservation. Area, time, and depth closures for shellfish pot and shrimp beam trawl fishing were inadvertently omitted from permanent rules during recent housekeeping revisions. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 25, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-52-05100C Shrimp fishery—Puget Sound. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to shellfish pot gear harvest of all shrimp species except spot shrimp until further notice, with the following exceptions: Marine Fish-Shellfish Catch and Reporting Areas 23A, and 23B will remain closed until 8:00 a.m. on June 1, 2000.

(2) All waters of Crustacean Management Regions 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species from 8:00 a.m. on June 1, 2000 until further notice.

(3) It is unlawful to harvest spot shrimp for commercial purposes using shellfish pot gear in Marine Fish-Shellfish Catch and Reporting Area 26B except in those waters south of a line from West Point to Skiff Point and north of a line from Alki Point to Orchard Point, and in those waters north of the Richmond Beach Park (47 degrees and 46 minutes latitude), south of Edwards Point, and east of the 100 fathom depth contour.

(4) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4. Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected true north from the new Dungeness light), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday.

(5) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC

220-52-075 and must also include the following additional information.

- (a) The number of pots being moved to a new area.
- (b) The Marine Fish-Shellfish Management and Catch Reporting Area that pots are being moved to.

(6) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 5 above.

(7) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

- (a) Crustacean management area 1 - Open until further notice.
- (b) Crustacean management area 3 - Open until further notice.

(8) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(9) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(10) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

- (a) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.
- (b) Closed in waters shallower than 20 fathoms.
- (c) Closed in waters shallower than fifty fathoms immediately through July 15.

(11) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(12) It is unlawful to fish for shrimp in Puget Sound with shellfish pot gear in Shrimp Districts 1, 3, 4, 5, and 6 and it is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Shrimp Districts 1, 2, 3, 4, 5, and 6.

(13) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island until 8:00 a.m. on July 10.

(14) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100B Shrimp fishery—Puget Sound (00-56)

NEW SECTION

WAC 220-69-24000Q Puget Sound shrimp dealer reporting - required information Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound using beam trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following day.

(2) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound using shellfish pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday.

(3) For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-69-24000P Puget Sound shrimp dealer reporting - required information (00-56)

**WSR 00-12-018
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 26, 2000, 10:40 a.m.]

Date of Adoption: May 26, 2000.

Purpose: WAC 296-155-305 Signaling, flaggers.

Topic: Chapter 239, Laws of 2000 (ESHB 2647) mandates that the department adopt emergency rules to improve flagger safety. Specifically, the emergency rules shall "be designed to improve options available to ensure the safety of flaggers, and ensure that flaggers have adequate visual warning of objects approaching from behind them."

Citation of Existing Rules Affected by this Order: Amending WAC 296-155-305 Signaling, flaggers.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Other Authority: RCW 34.05.328, [34.05.]350, 19.85.025.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 239, Laws of 2000 (ESHB 2647) mandates that the director of the Department of Labor and Industries "shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

May 26, 2000
Gary Moore
Director

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-155-305 Signaling. Flaggers.

(1) Except as otherwise required in these rules, traffic control devices, signs and barricades must be set up and used according to the guidelines in American National Standards Institute D6.1-1988, Manual on Uniform Traffic Control Devices (MUTCD), Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations.

NOTE: Copies of the MUTCD may be obtained by writing:

US Government Printing Office
Superintendent of Documents
Mail Stop: SSOP,
Washington DC 20402-9328

Or

Copies may be read at the department of labor and industries (L&I) library in Tumwater or at any L&I service location.

(2) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flaggers or other appropriate traffic controls shall be provided. Flaggers are to be used only when other reasonable means of control will not adequately control traffic in the work zone.

~~((2))~~ (3) Signaling directions used by flaggers ~~((shall))~~ must conform to American National Standards Institute

D6.1-1988, Manual on Uniform Traffic Control Devices ~~((for Streets and Highways))~~ (MUTCD), Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations, as amended by the Washington state department of transportation. (M24-01 (HT).)

~~((3))~~ (4) Hand signaling by flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI D6.1-1988, Manual on Uniform Traffic Control Devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI D6.1 ~~((current edition))~~ -1988.

~~((4))~~ ~~Flaggers shall wear an orange warning garment and a yellow protective helmet while flagging. Warning garments worn at night shall be of reflectorized material. Yellow is specified as the color of helmets; the issue is clearly one of high visibility. Other colors providing equal visibility than the specified yellow will be acceptable. The iridescent or reflectorized hard hats, available in several colors, which provide "high visibility" in both day and night applications, will meet standard specifications.)~~

(5)(a) While flagging during daylight hours, a flagger must wear:

- A high visibility warning garment designed according to ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel specifications; and

- A high visibility hard hat.

(b) While flagging at night, a flagger must wear:

- A high visibility warning garment designed according to ANSI/ISEA 107-1999 specifications over white coveralls or other coveralls or trousers designed according to ANSI/ISEA 107-1999; and

- A high visibility hard hat that is iridescent or marked with reflectorized material.

(c) During inclement weather, yellow rain gear may be substituted for white coveralls.

NOTE: Copies of ANSI/ISEA 107-1999 may be obtained by writing:

American National Standards Institute
11 West 42nd Street
New York, NY 10036

Or

By contacting the ANSI web site at:
<http://web.ansi.org/>

Or

Copies may be read at the department of labor and industries library in Tumwater.

(6) Each flagger shall be trained every three years in accordance with the American National Standards Institute (ANSI) D6.1-1988 Manual on Uniform Traffic Control

Devices as amended by the Washington state department of transportation (M 24-01 (HT)).

Note: Personnel that have not completed a flagging course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention.

~~((6) Each flagger shall have in their possession a valid certificate which verifies completion of the training prescribed in subsection (5) of this section. Each certificate shall contain the date the card expires.))~~ (7) Each flagger shall have in their possession either a valid Washington traffic control flagger card or a valid flagger card from a state having flagger training reciprocity with Washington. The card must verify completion of the training prescribed in subsection (6) of this section and contain the date the card expires.

(8) The employer, responsible contractor and/or project owner must develop and use a method to ensure that flaggers have adequate warning of objects approaching from behind the flagger. The following are some examples of methods that may be used to adequately warn flaggers:

- A mirror mounted on the flagger's hard hat.
- Use a motion detector with an audible warning.
- Use a spotter.

(9) The employer, responsible contractor and/or project owner must conduct an orientation that familiarizes the flagger with the job site each time the flagger is assigned to a new project or when job site conditions change significantly. The orientation must include, but is not limited to:

- The flagger's role and location on the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- On foot escape route; and
- Other hazards specific to the job site.

(10)(a) On roads allowing speeds of at least 45 mph, where flaggers are used, the employer or responsible contractor must provide an additional warning sign marked "be prepared to stop" or "flagger ahead."

(b) This sign is in addition to those required under ANSI D6.1-1988, Manual on Uniform Traffic Control and should be placed between the last two warning signs in the series or on the opposite side of the road on undivided roads.

(c) This additional sign does not increase the required advance warning area. Its purpose is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(11) Employers, responsible contractors and/or project owners must ensure that:

- Flagger workstations are illuminated at night.
- Warning signs reflect the actual condition of the work zone.

• Flaggers are not assigned other duties while engaged in flagging activities.

• Flaggers do not use devices (e.g., cell phones, pagers, radio headphone, etc.) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communications between flaggers to direct traffic or ensure flagger safety are acceptable.

WSR 00-12-022

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 26, 2000, 11:01 a.m., effective June 10, 2000]

Date of Adoption: May 26, 2000.

Purpose: To modify the rule covering the requirements for moving farm implements as they relate to the operation of pilot/escort vehicles. Specifically, changes a reference to WAC 468-38-110 (16)(a) and (b) to subsection (17) due to a revision in WAC 468-38-110 that moved the previously referenced criteria to subsection (17).

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-290 Farm implements.

Statutory Authority for Adoption: RCW 46.44.090.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current rule does not reference the appropriate criteria in companion WAC 468-38-110 that would maintain the original intent of WAC 468-38-290. In order to maintain the integrity of WAC 468-38-290 the reference to specific criteria in WAC 468-38-110 is changed to reflect the new location of the criteria. The location of the criteria in WAC 468-38-110 was moved during an amending process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 10, 2000.

May 26, 2000

Gerald E. Smith, P.E.

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 199, filed 5/10/00, effective 6/10/00)

WAC 468-38-290 Farm implements. (1) A farm implement includes any device that directly affects the production of agricultural products, including fertilizer and chemical applicator rigs and equipment auxiliary to them. For purposes of this section, it must weigh less than forty-five thousand pounds, be less than twenty feet in width, and move on pneumatic tires, or solid rubber tracks having protuber-

ances that will not hurt the highway, when on public highways.

(2) Self-propelled farm implements, including a farm tractor pulling no more than two implements (no vehicle capable of carrying a load may pull more than one trailing implement, i.e., a truck of any kind) up to sixteen feet wide are exempt from acquiring a special motor vehicle permit for movement: Provided, That the movement of the implement(s) complies with the following safety requirements:

(a) Oversize signs: If the farm implement exceeds ten feet wide, it must display an "oversize load" sign(s) visible to both oncoming and overtaking traffic. Signs must comply with the requirements of WAC 468-38-190. If the implement is both preceded and followed by escort vehicles a sign will not be required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must also comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement, moving during daylight hours, exceeds ten feet wide, the vehicle configuration must display clean, bright red flags at least twelve inches square, so as to wave freely at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If the transported implement exceeds the end of the trailer by more than four feet, one flag is required at the extreme rear, also, if the width of the protrusion exceeds two feet, there shall be required two flags at the rear of the protrusion to indicate the maximum width.

(d) Warning lights: Lamps, and other lighting must be in compliance with RCW 46.37.160 Hazard warning lights and reflectors on farm equipment—Slow moving vehicle emblem. The slow moving vehicle emblem is for equipment moving at a speed of twenty-five miles per hour or less.

(e) Convoys: Farm implement convoys shall maintain at least five hundred feet between vehicles to allow the traveling public room to pass safely. If five or more vehicles become lined up behind an implement, escorted or unescorted, the driver/operator of the transported implement, and escorts, if any, shall pull off the road at the first point wide enough to allow traffic to pass safely. Convoying of farm implements is permitted with properly equipped escort vehicles.

(f) Escort vehicles: In general, the use of escort vehicles must comply with WAC 468-38-110 Escort vehicle requirements and WAC 468-38-100, which covers when escort vehicles are required. The following specific exemptions are provided:

(i) A farmer, farm implement dealer, or agri-chemical dealer (including employees of each) is exempt from WAC 468-38-110 (5)(a) and (b), (6) relative to passengers, WAC 468-38-110 (11)(e), and ~~((16)(a) and (b)))~~ (17) when moving a farm implement off of the interstate and on the following rural interstate segments:

I-90 between Exit 109 (Ellensburg) and Exit 270 (Tyler);

I-82 between junction with I-90 (Ellensburg) and Exit 31 (Yakima);

I-82 between Exit 37 (Union Gap) and the Washington/Oregon border;

I-182 between junction with I-82 (West Richland) and junction with SR-395;

I-5 between Exit 208 (near Marysville) and Exit 250 (near Bellingham).

(ii) On two-lane highways, one escort vehicle must precede the implement(s) and one escort vehicle must follow the implement(s) when the width exceeds twelve and one-half feet wide; implements not exceeding twelve and one-half feet wide are exempt from using escort vehicles.

(iii) On multiple-lane highways, one escort in the rear is required if the vehicle exceeds fourteen feet wide.

(iv) A flagperson(s) may be used in lieu of an escort(s) for moves of less than five hundred yards. This allowance must be stated on any permit that may be required for the move.

(g) Road posting: Posting a route may be used in lieu of escort vehicles if the route to be traveled is less than two miles. Signs reading "oversize vehicle moving ahead" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background, shall be placed at points before the oversize implement enters or leaves the highway and at any entry points along the way. The signs must be removed immediately after the move has been completed.

(3) Farm implements exceeding sixteen feet wide, but not more than twenty feet wide, are required to have a special motor vehicle permit for movement on state highways. A quarterly or annual permit may be purchased by a farmer, or any person engaged in the business of selling and/or maintaining farm implements, to move within a designated area, generally three to four counties. The permit is required to be physically present at the time of movement. In addition to the safety requirements listed in subsection (2) of this section, notification of a move should be made to all Washington department of transportation maintenance areas affected by the move, to determine if the route is passable. Phone listings are provided with each permit.

WSR 00-12-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-86—Filed May 26, 2000, 4:11 p.m., effective May 30, 2000, 7:00 p.m.]

Date of Adoption: May 26, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000T and 220-52-04600B; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recent state and tribal crab test fishing indicate that the overall crab shell condition in this area meet the criteria to conduct crab harvest by pot gear and there is a harvestable surplus of crab in the area opened by this regulation. A reduced pot limit is necessary to avoid exceeding the allocation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 30, 2000, 7:00 p.m.

May 26, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-52-04000T Commercial crab fishery - 25

Pot per license Notwithstanding the provisions of WAC 220-52-040, effective 7:00 p.m. May 30, until 10:00 a.m. June 1, 2000, it is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 25 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

NEW SECTION

WAC 220-52-04600B Commercial crab fishery -

Areas and seasons. Notwithstanding the provisions of WAC 220-52-046, effective 7:00 p.m. May 30, until 10:00 a.m. June 1, 2000, it is lawful to fish for Dungeness crab for commercial purposes from the following Marine Fish/Shellfish Catch Reporting Areas:

(1) Marine Fish/Shellfish Catch Reporting Area 24B, except those waters inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point 140° true to the intersection with a line projected true west from Kayak Point, thence east to shore remain closed.

(2) Contiguous of Marine Fish/Shellfish Catch Reporting Area 26A north of a line drawn from Possession Point on the southern tip of Whidbey Island to the shipwreck north of Picnic Point, except those waters east of a line projected from the Mukilteo ferry dock directly through the 3A buoy at Snohomish River mouth to the mainland.

(3) That portion of Marine Fish/Shellfish Catch Reporting Area 26A within a line projected due south from Possession Point to the green #1 buoy and from the green #1 buoy at Possession Point following the 200-foot depth contour to a point due east from the Glendale dock thence directly to the Glendale dock.

(4) Marine Fish/Shellfish Catch Reporting Area 24C, excluding an area inshore of the 400 foot depth contour within an area described by two lines projected 30° true northeast from Sandy Point and the entrance to the marina at Langley.

(5) Marine Fish/Shellfish Catch Reporting Area 24A, except:

(a) Those waters inside and easterly of a line drawn from Rocky Point on the northwest corner of Camano Island to the red nun buoy "2" north of Utsalady Point and then to Brown Point on the northeast corner of Utsalady Bay;

(b) Those waters within Coronet Bay south of a line projected true east and west from the north tip of Ben Ure Island; and

(c) Those waters east of a line drawn from the most westerly tip of Skagit Island due north and extending south to the most westerly tip of Hope Island and extending southeast to Seal Rocks, southeast to the green can at the mouth of the Swinomish Channel and easterly to the west side of Goat Island.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 10:01 a.m. June 1, 2000:

- WAC 220-52-04000T Commercial crab fishery—
25 Pot per license limit.
- WAC 220-52-04600B Commercial crab fishery—
Areas and seasons.

WSR 00-12-026

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 00-83—Filed May 26, 2000, 4:14 p.m.]

Date of Adoption: May 26, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500B and 220-32-05500C; 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

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general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation allows subsistence catch from the Columbia River to be sold and conforms state and tribal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 26, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-32-05500C Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately through 6:00 p.m. Sunday May 28, 2000, spring chinook, shad, and carp taken with dipnets, hoopnets, setbag nets or hook and line from the Columbia River may be sold. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500B Columbia River tributaries—Subsistence. (00-67)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 28, 2000:

WAC 220-32-05500C Columbia River tributaries—Subsistence.

WSR 00-12-041 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 00-87—Filed May 31, 2000, 5:00 p.m., effective June 1, 2000, 12:01 a.m.]

Date of Adoption: May 31, 2000.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-50500G, 220-57-31500K, 220-57-50500H and 232-28-61900L; and amending WAC 220-57-315, 220-57-505, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Klickitat Hatchery is expected to meet its escapement goal for spring chinook. This fishery is intended to allow retention of surplus adult hatchery spring chinook. The opening date is concurrent with the game fish season in this section of river. In addition, the daily salmon limit is consistent with the lower portion of the river. The White Salmon sport fishery effort during this period will be mainly directed towards hatchery steelhead. In addition, any spring chinook returning to the White Salmon River are surplus fish because nearby hatcheries have achieved their escapement goals. 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 3, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 1, 2000, 12:01 a.m.

May 31, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-57-31500K Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective 12:01 a.m. June 1 through July 31, 2000 in those waters of the Klickitat

River from 400 feet upstream from the #5 fishway to boundary markers below Klickitat Salmon Hatchery the daily bag limit is six salmon, no more than two adults.

NEW SECTION

WAC 220-57-50500H White Salmon River. Notwithstanding the provisions of WAC 220-57-505:

(1) Effective 12:01 a.m. June 1 through July 31, 2000 in those waters of the White Salmon River from the powerhouse downstream to markers below the Burlington-Northern Railroad Bridge the daily bag limit is six salmon, no more than two adults.

(2) Effective 12:01 a.m. June 1 through June 15, 2000 in those waters from the powerhouse to 400 feet below Northwestern (Condit) Dam the daily bag limit is six salmon, no more than two adults.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 2000:

WAC 220-57-50500G White Salmon River. (00-37)

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. July 31, 2000:

WAC 220-57-31500K Klickitat River.

WAC 220-57-50500H White Salmon River.

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rule—White Salmon River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. June 1 through July 31, 2000 in those waters of the White Salmon River from the powerhouse downstream to markers below the Burlington-Northern Railroad Bridge the daily limit is two trout, minimum size is 14 inches in length.

(2) Effective 12:01 a.m. June 1 through June 15, 2000 in those waters from the powerhouse to 400 feet below Northwestern (Condit) Dam the daily limit is two trout, minimum size is 14 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 31, 2000:

WAC 232-28-61900L Exceptions to statewide rules—White Salmon River.

**WSR 00-12-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-89—Filed June 2, 2000, 2:56 p.m.]

Date of Adoption: June 2, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500F; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court ordered sharing requirements, and to ensure conservation. There are sufficient shrimp remaining in the state share to open the recreational fishery for an additional day. 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.

June 2, 2000
J. P. Koenings
Director

NEW SECTION

WAC 220-56-32500F Shrimp—Areas and seasons Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp from those waters of Hood Canal except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following date: June 3, 2000.

(2) No shrimp fisher may leave shrimp fishing gear in the water after 1:00 p.m. June 3, 2000.

(3) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.

(4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken

must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. June 3, 2000:

WAC 220-56-32500F Shrimp—Areas and seasons.

**WSR 00-12-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-90—Filed June 2, 2000, 2:59 p.m., effective June 2, 2000, 11:59 p.m.]

Date of Adoption: June 2, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500P; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The allowable catch of halibut in Marine Area 2 has been taken. This action is necessary to conform with similar actions taken by the National Marine Fisheries Service and is in accordance with the provision of the halibut catch sharing 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 2, 2000, 11:59 p.m.

June 2, 2000

J. P. Koenings

Director

NEW SECTION

WAC 220-56-25500Q Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. June 2, 2000 until further notice, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Marine Area 1: Open immediately until further notice. Minimum size 32 inches in length. The daily limit is the first halibut 32 inches in length or greater brought aboard the vessel.

(2) Marine Area 2: Closed until further notice.

(3) Marine Areas 3 and 4:

(a) Open immediately until further notice, except closed 12:01 a.m. each Sunday through 11:59 p.m. each Monday and in the closed waters of a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°04'N, 125°11'W; 48°04'N, 124°59'W

(b) The daily bag limit is one halibut with no length restrictions.

(4) Marine Areas 5 through 13:

(a) Open immediately through July 27, 2000, except closed 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(b) The daily bag limit is one halibut with no length restrictions.

(5) Any halibut landed in a Washington port must meet the regulations in effect for the port of landing, regardless of area of catch. This provision does not apply to halibut lawfully caught in Canadian waters and landed at a port in Washington.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 2, 2000:

WAC 220-56-25500P Halibut—Seasons—Daily limits. (00-84)

**WSR 00-12-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-91—Filed June 5, 2000, 4:21 p.m., effective June 7, 2000, 9:00 a.m.]

Date of Adoption: June 5, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500G; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

EMERGENCY

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court ordered sharing requirements, and to ensure conservation. There are sufficient shrimp remaining in the state share to open the recreational fishery for an additional day. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 7, 2000, 9:00 a.m.

June 5, 2000

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500G Shrimp—Areas and seasons
Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp from those waters of Hood Canal except as provided for in this section:

- (1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following date: June 7, 2000.
- (2) No shrimp fisher may leave shrimp fishing gear in the water after 1:00 p.m. June 7, 2000.
- (3) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.
- (4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. June 7, 2000:

WAC 220-56-32500G Shrimp—Areas and seasons.

WSR 00-12-093 EMERGENCY RULES FOREST PRACTICE BOARD

[Filed June 7, 2000, 10:17 a.m., effective July 3, 2000]

Date of Adoption: May 10, 2000.

Purpose: To modify forest practices rules to provide greater protection for aquatic and riparian dependent resources in response to federal listings under the Endangered Species Act and in response to the forest and fish legislation (chapter 4, 1999 1st sp. s.). These rules amend the forest and fish emergency rules (WSR 00-06-026) by amending a section to address tractor and wheeled skidding systems and adding a new chapter for the forest riparian easement program.

Citation of Existing Rules Affected by this Order: Amending WAC 222-12-020 Regulation sections, 222-12-090 Forest practices board manual and WAC 222-30-070 Tractor and wheeled skidding systems; and new sections WAC 222-21-005 Policy, 222-21-010 Definitions, 222-21-020 Criteria for accepting riparian easement, 222-21-030 Document standards, 222-21-035 Description of easement, 222-21-040 Timber cruises, 222-21-045 Valuation, 222-21-050 Payment of compensation, 222-21-060 Commercially reasonable harvest, 222-21-065 Uneconomic to harvest, 222-21-070 Blowdown and salvage, 222-21-080 Eminent domain, and 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions.

Statutory Authority for Adoption: RCW 76.09.040, [76.09.]050, [76.09.]055, 76.13.100, [76.13.]110, [76.13.]120, and chapter 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Legislative declaration that declines of fish stocks require immediate action (RCW 76.09.055(1)).

These emergency rules were adopted under RCW 76.09.055(2). The rules addressing tractor and wheeled skidding systems were published as WSR 99-24-087 and a public hearing was held on January 20, 2000. The forest riparian easement rules were published as WSR 00-08-104 and a public hearing was held on May 9, 2000.

These emergency rules may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 12, Amended 3, 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 12, Amended 3, Repealed 0.

Effective Date of Rule: July 3, 2000.

June 5, 2000

John Daly

Chair

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

WAC 222-12-020 Regulation sections. These regulations are organized as follows:

Chapter 222-08 WAC	Practices and procedures.
Chapter 222-10 WAC	State Environmental Policy Act Guidelines.
Chapter 222-12 WAC	Policy and organization.
Chapter 222-16 WAC	Definitions.
Chapter 222-20 WAC	Application and notification procedures.
<u>Chapter 222-21 WAC</u>	<u>Small forest landowner forestry riparian easement program.</u>
Chapter 222-22 WAC	Watershed analysis.
Chapter 222-24 WAC	Road construction and maintenance.
Chapter 222-30 WAC	Timber harvesting.
Chapter 222-34 WAC	Reforestation.
Chapter 222-38 WAC	Forest chemicals.
Chapter 222-42 WAC	Supplemental directives.
Chapter 222-46 WAC	Consultation and enforcement.
Chapter 222-50 WAC	Relationship to other laws and regulations.

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~~) physical parameters of streams and channel migration zones.

(3) (~~A chart for establishing recommended permanent culvert sizes and associated data.~~) Guidelines for forest roads.

(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) Guidelines for forest chemicals.

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

(b) Guidelines for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.

(13) Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-030.

(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) Guidelines for evaluating potentially unstable slopes and landforms.

(17) Guidelines for the small forest landowner forestry riparian easement program.

Chapter 222-21 WAC

SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM

NEW SECTION

WAC 222-21-005 Policy. The legislature has found that further reduction in harvestable timber owned by small forest landowners as a result of the rules adopted under RCW 76.09.055 or 76.09.370 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources. The legislature addressed these concerns by establishing a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

NEW SECTION

WAC 222-21-010 Definitions. The following definitions apply to this chapter:

- (1) "**Commercially reasonable harvest unit**" means a harvest area that meets the requirements of WAC 222-21-060.
- (2) "**Completion of harvest**" means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any type of logging or slash treating equipment or method is not expected.
- (3) "**Danger tree**" means any qualifying timber reasonably perceived to pose an imminent danger to life or improved property.
- (4) "**Easement premises**" means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:
 - (a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.
 - (b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.
 - (5) "**Forestry riparian easement**" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.
 - (6) "**Hazardous substances**" means hazardous substances as defined in RCW 70.102.010(5), and 70.105D-.020(7), and solid waste as defined in RCW 70.95.030(22).
 - (7) "**High impact regulatory threshold**" means the threshold where the value of qualifying timber is greater than

26% (for timber in Western Washington) or 17% (for timber in Eastern Washington) of the value of the harvest under the approved forest practices application covering the qualifying timber. This threshold will be revised after preparation of the final small business economic impact statement (SBEIS) prepared under chapter 19.85 RCW.

(8) "**Qualifying timber**" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be permanently tagged.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(9) "**Riparian areas**" include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

(10) "**Riparian function**" includes without limitation bank stability, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features important to both riparian forest and aquatic systems conditions.

(11) "**Small forest landowner**" means a forest landowner meeting all of the characteristics in (a) of this subsection unless any of the exceptions in (b) of this subsection are met.

(a) As of the date a forest practices application is received for which the forestry riparian easement is associated, the forest landowner:

(i) Is an individual, partnership, corporate, or other non-governmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the forest landowner as a small timber harvester under RCW 84.33.073(1); and

(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following receipt of the application.

(b) At the time the forest practices application is received, a forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office's reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(12) "**Small forest landowner office**" is an office within the department described in RCW 76.13.110, and it shall be a resource and focal point for small landowner concerns and policies and shall have significant expertise regarding the management of small forest holdings and government programs applicable to such holdings, and the forestry riparian easement program.

(13) "**Uneconomic to harvest**" means that a harvest area meets the requirements of WAC 222-21-065.

NEW SECTION

WAC 222-21-020 Criteria for accepting riparian easement. (1) All of the following criteria must be met

before the small forest landowner office may acquire a forestry riparian easement:

(a) The easements must include qualifying timber within riparian areas and may include other qualifying timber;

(b) The small forest landowner must be willing to sell or donate such easements to the state;

(c) The small forest landowner has a final, approved forest practices application including qualifying timber on the easement premises;

(d) The small forest landowner office has received an application for a forestry riparian easement;

(e) The small forest landowner has provided a litigation guarantee or similar report from a title company for the property;

(f) Acceptable documents necessary for creation of the easement have been prepared; and

(g) The easement is not subject to unacceptable liabilities in subsection (3) of this section.

(2) Where more than one person has an interest in property to be covered by a forestry riparian easement, all persons holding rights to control or affect the easement premises, qualifying timber, and the riparian functions provided by the qualifying timber during the term of the easement must execute the easement documents or otherwise subordinate their interest to the easement interest being acquired by the state. This includes tenants in common, joint tenants, holder of reversionary interests, lien holders, and mortgages.

(3) Unacceptable liabilities for the state include, but are not limited to, the following:

(a) Potential liability exposure due to the presence of hazardous substances;

(b) Where the department does not have satisfactory access to the easement premises;

(c) Existing uses of the property that may jeopardize the protection of the easement premises, qualifying timber, and riparian functions;

(d) Any other liability where the liability may jeopardize the protection of the easement premises, qualifying timber, and its riparian functions.

NEW SECTION

WAC 222-21-030 Document standards. (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this ____ day of ____, 20__, by _____ [a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at _____ ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and the Riparian Functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in Exhibit A; that the encumbrances, if any, are as set forth in Exhibit A; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) [50 years from the date the complete and accurate forest practices application is submitted], which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of _____ dollars (\$____.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

_____ Date: _____

By: _____

GRANTEE:

State of Washington

By and Through the Department of
Natural Resources

_____ Date: _____

(Title)

EMERGENCY

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is *[insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises]* as shown in the documentation attached hereto as Attachment A-1 and is located in *[insert legal subdivision/lot, etc., in which the Easement Premises exists.]*

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

The parties agree that the current use, condition, and Riparian Function of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B

FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS

B1 DEFINITIONS

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

- "Danger Tree"**
- "Easement Premises"**
- "Qualifying Timber"**
- "Hazard Substances"**
- "Riparian Areas"**
- "Riparian Function"**

B2 RIGHTS OF GRANTEE *[Subsection B2.4 should be included only for multiple entry Easements.]*****

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

EMERGENCY

B2.1 To enforce the terms of this Easement as provided in subsection **B9**.

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.6**.

B3 RESTRICTIONS ON GRANTOR ***[Subsection B3.6 should be included only for multiple entry Easements.]***

B3.1 Inconsistent Uses of Riparian Easement Premises

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION

B6.1 Costs, Legal Requirements, and General Liabilities

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless

B6.3.a Grantor

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection B3; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS

B7.1 Grantee

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT**B9.1 Remedies**

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement, or mitigate for damage to Riparian Functions or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

$$\text{Maximum Damages} = 3 * S_v * (C / V_q)$$

Where:

S_v = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;

C = The compensation paid by the state to the Grantor at the time the Easement became effective;

V_q = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Mitigation. If Riparian Functions are damaged as a result of Grantor's violation of the terms of this easement, Grantee shall be entitled to reasonable mitigation by Grantor. Damage to Riparian Function occurs for purposes of this subsection only where Grantor has conducted, engaged in or permitted activity in violation of the terms of this easement which results in a material adverse change to the Riparian Function, comparing the condition of the Riparian Function as reflected in the Baseline Documentation with the condition of the Riparian Function at the time an action for mitigation is brought under this subsection.

B9.1.c Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.d Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION

B10.1 Controlling Law

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in timely fashion in the official records of _____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interests of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage pre-paid), addressed as follows:

EMERGENCY

(a) If to Grantor:

(b) If to Grantee:

Washington State Department of Natural Resources
Small Forest Landowner Office
DNR-Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of _____ County, Washington and may re-record it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS

B17.1 Severability

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection **B11**.

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection **2.1**.

EMERGENCY

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules and regulations adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

(a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;

(b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;

(c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;

(d) The dates and areas of all planned future harvest entries on the easement premises;

(e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;

(f) A description of past and current uses of the easement premises;

(g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

(a) Cruise information consistent with the standards and methods in WAC 222-21-040;

(b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual on procedures for conducting assessment); and

(c) A description of the easement consistent with WAC 222-21-035.

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 222-21-035 Description of easement. The easement premises and qualifying timber must be described as follows:

(1) Range, township, section, and parcel number;

(2) Forest practice base map of proposed harvest, other forest practice activities and easement;

(3) 1:400 map of the easement premises indexed either to 1 legal land survey point or 2 geopotential system points; and

(4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual for standards of traverse.)

NEW SECTION

WAC 222-21-040 Timber cruises. (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and

the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

(a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.

(b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.

(c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual for standards for sampling cruise method.)

NEW SECTION

WAC 222-21-045 Valuation. (1) This section is designed to establish methods and standards for valuation of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The small forest landowner office will calculate the fair market value of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the date of receipt of the forest practices application associated with the qualifying timber. The small forest landowner must indicate whether valuation will be calculated using method (a) or (b) below. In either, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will generate an index that reflects the time adjustments using information and data obtained from a log price reporting service determined by the department in consultation with the small forest landowner committee.

(a) **Tax reporting and stumpage value determination table.** The small forest landowner office will use the department of revenue stumpage value tables that most closely match the forest practices application date to determine stumpage value of the qualifying timber and use the time adjustment index to adjust the table values forward to the date of receipt of the forest practices application. The landowner must provide the small forest landowner office with:

(i) The reference for the applicable tax reporting stumpage value table and any other needed information for use of the table (see the board manual for details); and

(ii) Any information the small forest landowner would like the department to consider in its cruise and valuation of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume and scaling bureau log grades of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the date of receipt of the forest practices application using the time adjustment index and then the average logging and hauling cost per MBF is subtracted to arrive at the stumpage value. The value of the qualifying timber is determined by multiplying the time adjusted stumpage value of each species in the harvest unit by the net volume for each corresponding species in the inventory of qualifying timber. A residual value approach is used to determine the value of species in the easement which are not present in the harvest area. The prices for species not present in the harvest unit are based on the delivered log price report approved by the small forest landowner office that corresponds closest to the date of the forest practices application, minus the average logging and hauling costs.

(3) **Reduced valuation.**

(a) For an easement that allows one or more harvests of qualifying timber during the term of the easement, a reduced valuation rate will be applied to the values obtained using either method in subsection (2) of this section. The reduced rate adjusts the values for reserve and replacement qualifying timber. The rate is based on the proportionate economic value lost to the small forest landowner from the regulatory requirements and adjusted for future harvest options during the term of the easement.

(b) The value of the qualifying timber that may be harvested during the term of the easement will be reduced based on the following formula:

$$\text{Reduced valuation rate} = \frac{1 - \frac{1}{(1+I)^N}}{1 - \frac{1}{(1+I)^{50}}}$$

Where:

- I — is the rate of return on 30 year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all Urban Consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months less the anticipated rate of growth expected on the portion of the easement subject to reentry, but not less than zero or greater than 6 percent.
- N — is the number of years when the landowner is scheduled to re-enter the property.

EMERGENCY

(c) The reduced rate will not be applied to the department of revenue tax data values if the landowner does not intend to re-enter the easement area during the length of the 50 year easement.

(d) The small forest landowner advisory committee will review the option for multiple payments during the permanent rule process.

NEW SECTION

WAC 222-21-050 Payment of compensation. (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

$$\text{Compensation for easement} = (\text{HIE} * \text{TV}) + (t * \text{TV}) / 2$$

Where:

$$\text{HIE} = (\text{Vq} / \text{TV}) - t;$$

$$\text{TV} = \text{Vq} + \text{Vh};$$

Vq = value of qualifying timber;

Vh = value of harvested timber; and

t = high impact regulatory threshold.

(b) All compensation is subject to available funding.

(2) If funding is not available, the small forest landowner office will maintain a priority list for compensation based on the date of receipt of forest practices applications covered by forestry riparian easement applications.

(3) The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(4) Compensation will not be paid until:

(a) The department has documented completion of harvest;

(b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;

(c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(d) The forestry riparian easement has been executed and delivered to the department.

NEW SECTION

WAC 222-21-060 Commercially reasonable harvest. The small forest landowner office will use the following criteria to determine if an area covered by a forest practices application involves a commercially reasonable harvest. The proposed harvest must meet all of the following requirements:

(1) The harvest unit includes or borders a riparian area;

(2) The application is for a Class III or Class IV Special forest practice or a Class II that is a renewal of a Class III or Class IV Special;

(3) The harvest is not a Class IV General conversion or covered by a conversion option harvest plan;

(4) The landowner is not eligible for the 20 acre exemption under WAC 222-30-023;

(5) The value of the timber in the harvest unit, excluding qualifying timber, is equal to or exceeds the minimum required by department of revenue for taxing purposes (\$1000); and

(6) The taxable harvest equals or exceeds the value of the qualifying timber established under WAC 222-21-045, unless otherwise approved by the small forest landowner office. (See the board manual.)

NEW SECTION

WAC 222-21-065 Uneconomic to harvest. The small forest landowner office will use the following criteria to determine whether timber is qualifying timber because it is rendered uneconomic to harvest by rules adopted under RCW 76.09.055 or 76.09.370:

(1) The timber could have been included in a commercially reasonable harvest unit by the small forest landowner if there were no additional requirements imposed by rules adopted under RCW 76.09.055 or 76.09.370.

(2) The area is not reasonably accessible because of requirements imposed by rules adopted under RCW 76.09.055 or 76.09.370.

(3) The unit must have no reasonable unit size alternative which if used would make the area economical to harvest.

(4) The cost to access the harvest unit plus the cost to harvest must equal or exceed 35% of the stumpage value in the portion of the unit considered to be uneconomic. The small forest landowner office will determine costs and values consistent with WAC 222-21-045. Costs include harvest, construction of nonpermanent roads and/or water crossing structures, and associated expenses. When using the small harvester method to calculate stumpage values and allowable costs, the landowner may include actual timber appraisal and sale layout costs incurred, as part of the cost calculations.

NEW SECTION

WAC 222-21-070 Blowdown and salvage. After execution of a forestry riparian easement, qualifying timber may not be salvaged, including removal of blowdown, without prior written permission from the department. Prior to removal, the small forest landowner office and the small forest landowner must negotiate the terms of removal and reimbursement to the state, if any. Qualifying timber that blows down off the easement premises that presents a nuisance may be moved back onto the easement premises without permission from the department.

NEW SECTION

WAC 222-21-080 Eminent domain. If a forestry riparian easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, the state will receive compensation for its remaining interest in the easement based upon the following formula:

$$C = O * P * (CPIc / CPIo) * (1 - (1 / (1 + I)^R)) / (1 - (1 / (1 + I)^50))$$

Where:

C - Is the compensation to the department for the state's remaining interest in the easement;

O - Is the original compensation for the easement paid to the small forest landowner by the state;

P - Is the proportion of the forestry riparian easement extinguished or terminated;

CPIo - Is the U.S. Consumer Price Index all urban consumers as published by the Bureau of Labor Statistics for the month in which the original compensation was determined;

CPIc - Is the U.S. Consumer Price Index all urban consumers as published by the Bureau of Labor Statistics for the most recent month available at the time the easement is terminated or extinguished;

I - Is the rate of return on 30 year treasury bonds, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all Urban Consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months;

R - Is the number of years remaining on the easement at the time of extinguishment or termination.

NEW SECTION

WAC 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions. Within 30 days after the date of the notice of compensation decision, the small forest landowner may submit a written request for review to the supervisor of the department or his or her designee. The request for review must identify the issue being raised and provide any supporting documentation. The supervisor will issue a written response within 30 days.

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

WAC 222-30-070 ~~((Tractor and wheeled skidding))~~ **Ground based logging systems.** *(1) **Typed waters and wetlands.**

(a) ~~((Tractor and wheeled skidders))~~ Ground based equipment shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval ~~((of))~~ issued by the department of fish and wildlife.

A hydraulic project approval issued by the department of fish and wildlife may be required for ground based equipment in Type 4 or 5 Waters. Yarding across Type 1, 2 or 3 Waters is limited to cable or other aerial logging methods.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, ~~((tractor or wheeled skidders))~~ ground based logging systems 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))~~ ground based logging 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))~~ Ground based transport of logs to landings across any ((flowing)) Type 4 or 5 Water where there is potential for damage to public resources shall be minimized and when done, temporary stream crossings shall be used((,if necessary,)) to maintain stream bed and bank integrity. Locations of temporary stream crossings of Type 4 Waters shall be shown on the base map of the forest practices application. BMPs for stream crossings can be found in the board manual section 3.

(e) Whenever skidding in or across ~~((any type water))~~ Type 4 or 5 Waters, the direction of log movement between stream banks shall be ~~((as close to right angles to the stream channel as is practical))~~ designed to minimize sediment delivery to the stream.

***(2) Riparian management zone.**

(a) Logging will be permitted within the riparian management zones subject to riparian management zone protection in chapter 222-30 WAC. However, any use of ~~((tractors, wheeled skidders, or other))~~ ground based 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))~~ When transporting logs in or through the riparian management zone ((is necessary)) with ground based equipment, the number of ~~((skidding))~~ routes through the zone shall be minimized.

(c) Logs shall be ~~((skidded))~~ transported 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 with 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))~~ unless described in an approved forest practices application or otherwise approved in writing by the department.

***(4) Deadfalls.** Repositioning of any logs firmly embedded in the bed or bank of a Type 1, 2, or 3 ((or 4 Waters) shall not be removed or unnecessarily disturbed without

~~hydraulic project approval of the departments of fisheries or wildlife))~~ Water and Type 4 or 5 Waters where such activities may affect fish habitat or fish life must comply with hydraulic project approval.

~~((Tractor and wheeled skidders))~~

~~(a) Ground based logging systems 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) if sediment delivery is likely to a wetland, stream, lake or pond ((situation would result)).~~

(b) When soil moisture is high and unrestricted operation of ground based equipment would result in unreasonable soil compaction, operations shall be restricted to methods that minimize widespread soil compaction.

(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 location and 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-year))~~ 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.

(d) Skid trails running parallel or near parallel to streams shall be located at least 30 feet from the bankfull width of any typed water unless approved in writing by the department.

(e) Skid trails shall cross the drainage point of swales at an angle to minimize the potential for delivering sediment to a typed water or where channelization is likely to occur. See board manual section 3.

*** (8) Skid trail maintenance.**

(a) Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

(b) Skid trails located within 200 feet horizontal distance of any typed water that directly delivers to the stream network shall use waterbars, grade breaks, and/or slash to minimize sediment delivery to the stream. Waterbars shall be placed at a frequency to minimize gullying and soil erosion. In addition to waterbarring, skid trails with exposed soil that is erodible and may be reasonably expected to cause damage to a public resource shall be seeded with a noninvasive plant species (preferably a species native to the state) and adapted for rapid revegetation of disturbed soil, or treated with other erosion control measures acceptable to the department.

~~((Tractor and wheeled skidders))~~ (9) Slope restrictions. Ground based systems shall not be used on slopes where in the opinion of the department this method of operation would cause ~~((unnecessary))~~ actual or potential 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).

WSR 00-12-001
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—May 23, 2000]

COUNTY ROAD ADMINISTRATION BOARD

- MEETING NOTICE: July 20, 2000
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.
- PUBLIC HEARING: July 20, 2000
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 2:00 p.m.
- MEETING NOTICE: July 21, 2000
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 00-12-020
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—May 26, 2000]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
 Mount Vernon, WA 98273
 Tuesday, May 30, 2000
 3:00 p.m. - Cascade Room

Chairperson, Katie Philbrick, has called a special meeting of the board of trustees on **Tuesday, May 30, 2000, 3:00 p.m. in the Cascade Room of the Mount Vernon campus.** The purpose of the meeting is to discuss the 2000-2001 proposed operating budget. Action items, if any, made necessary by the foregoing discussion.

WSR 00-12-021
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—May 25, 2000]

Following is the details for an upcoming Participant Outcomes Data Consortium (PODC) meeting. The PODC is composed of representatives from the State Board for Community and Technical Colleges, Office of Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, and employment security.

On June 15, 2000, at 9:30 a.m. to 11:30 a.m., at Workforce Training and Education Coordinating Board, Main Conference Room, Airdustrial Park, Building 17, Tumwater. Agenda: Finalizing plans for UI wage record matches.

WSR 00-12-031
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
 [Memorandum—May 24, 2000]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **change of date for their regular June board meeting.** The time and location remain the same. This meeting is open to the public.

Original Meeting Date	Time
Wednesday, June 21, 2000	12:30 p.m.
Board Room, Ft. Steilacoom 9401 Farwest Drive S.W. Lakewood, WA	
New Meeting Date	
Tuesday, June 20, 2000	12:30 p.m.
Same location	

WSR 00-12-033
RULES COORDINATOR
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed May 30, 2000, 3:47 p.m.]

The rules coordinator for the Department of Social and Health Services is Kelly Cooper. Her telephone number is (360) 664-6094 and fax number is (360) 664-6185. Her physical address is 4500 10th Avenue S.E., Lacey, WA 98503 and mailing address is P.O. Box 45850, Olympia, WA 98504-5850.

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-12-036

**NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Memorandum—May 30, 2000]

CANCELLATION NOTICE

Due to schedule conflicts, the Marine Employees' Commission has decided to **cancel** its regular monthly meeting on **Friday, June 23, 2000.**

The next regularly scheduled meeting will be **Friday, July 28, 2000.**

WSR 00-12-042

**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—May 30, 2000]

A quorum of the board of trustees will be meeting on Friday, June 9, prior to the June 16, 2000, board meeting. The purpose of this special session is to prepare the annual review of the president's contract/extension.

In the event it is necessary to change this meeting date, the appropriate notification will take place.

WSR 00-12-043

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—June 1, 2000]

**EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER**

- June 2, 2000* Edmonds Community College Employee Recognition Luncheon, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m.
Purpose: To recognize service of employees and new retirees.
- June 16, 2000* Edmonds Community College Commencement, EdCC, Seaview Gymnasium, 20000 68th Avenue West, Lynnwood, WA, 7:00 p.m.
Purpose: Graduation ceremony.
- June 19, 2000* VIP Social for New International Students, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m.
Purpose: To recognize incoming international students.

- June 19, 2000 Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
Purpose: To address routine college business issues.

NOTE: CHANGE OF DATE.

- June 20, 2000* Twin Rivers Unit Commencement, TRCC Visiting Room, Monroe, Washington, 1:00 p.m.
Purpose: Graduation ceremony.
- June 21, 2000* Washington State Reformatory Commencement, WSR Visiting Room, Monroe, Washington, 1:00 p.m.
Purpose: Graduation ceremony.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 00-12-046

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—June 2, 2000]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgets on Thursday, June 15, 2000, 8 a.m. to 9 a.m. in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 15, 2000, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 00-12-049

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—June 1, 2000]

The regular June meeting of the board of trustees will be changed from meeting at 12:00 p.m. on June 8, 2000, to meeting at 1:00 p.m. on June 8, 2000. The meeting will be held at the San Juan Center, 221 Weber Way, Friday Harbor, WA.

MISC.

WSR 00-12-050
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—June 1, 2000]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

Revised

- June 2, 2000* Edmonds Community College Employee Recognition Luncheon, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m.
Purpose: To recognize service of employees and new retirees.
- June 14-17, 2000* Association of Community College Trustees (ACCT) Regional Seminar, Hyatt Regency, San Antonio, Texas.
Purpose: Regional trustee conference.
- June 16, 2000* Edmonds Community College Commencement, EdCC, Seaview Gymnasium, 20000 68th Avenue West, Lynnwood, WA, 7:30 p.m.
Purpose: Graduation ceremony.
- June 19, 2000* VIP Social for New International Students, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m.
Purpose: To recognize incoming international students.
- June 19, 2000 Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
Purpose: To address routine college business issues.
NOTE: CHANGE OF DATE.
- June 20, 2000* Twin Rivers Unit Commencement, TRCC Visiting Room, Monroe, Washington, 1:00 p.m.
Purpose: Graduation ceremony.
- June 21, 2000* Washington State Reformatory Commencement, WSR Visiting Room, Monroe, Washington, 1:00 p.m.
Purpose: Graduation ceremony.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 00-12-071
PROCLAMATION
OFFICE OF THE GOVERNOR

[June 6, 2000]

WHEREAS, portions of the Ballard and Magnolia areas of Seattle, Washington (as identified in the 2000 Environmental Assessment of the Cooperative Gypsy Moth Eradication Project) were in imminent danger of an infestation of the plant pest Asian gypsy moth (*Lymantria dispar* L.) which seriously endangered the agricultural and horticultural industries of the state of Washington, and seriously threatened the economic well-being and quality of life of state residents, and emergency measures were necessary to prevent establishment of the pest, and;

WHEREAS, the use of the pesticide *Bacillus thuringiensis* var. *kurstaki* (B.t.k.), a naturally occurring bacterium, by aerial application was the most effective and preferred treatment alternative for eradicating this pest, and;

WHEREAS, on May 9, 2000, after evaluation of all other alternatives and in accordance with RCW 17.24.171, I declared a State of Emergency and authorized the Director of the Department of Agriculture to use emergency measures including aerial application of B.t.k. to the aforementioned areas,

WHEREAS, the Director of the Department of Agriculture implemented emergency measures consisting of aerial application of B.t.k. as described herein to the aforementioned areas,

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, pursuant to RCW 43.06.210, do find that the aforesaid emergency measures are no longer necessary and terminate the Proclamation entered May 9, 2000.

IN WITNESS WHEREOF, I hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 6th day of June, A.D., Two-Thousand.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Tracy Guerin

Deputy Secretary of State

WSR 00-12-076
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 6, 2000, 1:12 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instruction.
Subject: Physical therapy.
Effective Date: May 2000.

MISC.

Document Description: The Medical Assistance Administration (MAA) physical therapy program provides physical therapy services to eligible clients. This billing instruction explains what services are covered, who is eligible to receive these services, what providers are eligible to be reimbursed by MAA, how to bill MAA, and includes sample billing forms.

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 45533, Olympia, WA 98504-5533, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:MYERSEA@dshs.wa.gov>.

May 25, 2000

Leslie Saeger, Section Head
Regulatory Improvement Project

WSR 00-12-092

DEPARTMENT OF ECOLOGY

[Filed June 7, 2000, 9:58 a.m.]

Department of Ecology

Spill Prevention, Preparedness, and Response Program
Notice of Suspension of Enforcement

The Department of Ecology issued a letter Monday, June 12, 2000, suspending enforcement of chapter 317-21 WAC. Copies of the letter are available on ecology's web site (<http://www.wa.gov/ecology/leg/activity/wac31721.html>) or by contacting the Spills Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, Attn: Vicki Flores, phone (360) 407-7455.

Jeff Fishel

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4- 25-910	AMD	00-11-078	16- 80-007	AMD	00-06-066	16-143-070	NEW-P	00-08-107
16- 42	PREP	00-08-095	16- 80-010	AMD-P	00-03-068	16-143-070	NEW	00-11-123
16- 42-005	AMD-P	00-11-146	16- 80-010	AMD	00-06-066	16-143-080	NEW-P	00-08-107
16- 42-017	AMD-P	00-11-146	16- 80-015	AMD-P	00-03-068	16-143-080	NEW	00-11-123
16- 42-022	AMD-P	00-11-146	16- 80-015	AMD	00-06-066	16-143-090	NEW-P	00-08-107
16- 42-025	AMD-P	00-11-146	16- 80-020	AMD-P	00-03-068	16-143-090	NEW	00-11-123
16- 42-035	AMD-P	00-11-146	16- 80-020	AMD	00-06-066	16-143-100	NEW-P	00-08-107
16- 42-060	REP-P	00-11-146	16- 80-025	AMD-P	00-03-068	16-143-100	NEW	00-11-123
16- 70-001	REP-P	00-03-070	16- 80-025	AMD	00-06-066	16-143-110	NEW-P	00-08-107
16- 70-001	REP	00-06-064	16- 80-030	AMD-P	00-03-068	16-143-110	NEW	00-11-123
16- 70-005	AMD-P	00-03-070	16- 80-030	AMD	00-06-066	16-147-010	AMD	00-05-025

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-147-020	AMD	00-05-025	16-404	PREP	00-03-083	112- 10-040	AMD	00-05-036
16-147-030	AMD	00-05-025	16-409	PREP	00-03-085	112- 10-050	AMD	00-05-036
16-200-512	REP-XR	00-07-068	16-414	PREP	00-07-132	112- 10-060	AMD	00-05-036
16-200-695	PREP	00-03-076	16-439	PREP	00-07-134	112- 10-070	NEW	00-05-036
16-202-1000	PREP	00-03-076	16-442	PREP	00-07-133	112- 10-080	NEW	00-05-036
16-202-2000	PREP	00-03-076	16-445	PREP	00-03-084	118- 03-330	REP	00-05-012
16-212	PREP	00-10-104	16-463	PREP	00-07-135	118- 06-010	REP	00-05-011
16-213-010	REP-P	00-05-048	16-483	AMD-C	00-04-066	118- 06-020	REP	00-05-011
16-213-010	REP	00-08-041	16-483-001	AMD	00-05-105	118- 06-030	REP	00-05-011
16-213-100	REP-P	00-05-048	16-483-005	AMD	00-05-105	118- 06-040	REP	00-05-011
16-213-100	REP	00-08-041	16-483-010	AMD	00-05-105	118- 06-050	REP	00-05-011
16-213-110	REP-P	00-05-048	16-483-020	AMD	00-05-105	118- 06-060	REP	00-05-011
16-213-110	REP	00-08-041	16-483-030	AMD	00-05-105	118- 06-070	REP	00-05-011
16-213-120	REP-P	00-05-048	16-483-040	AMD	00-05-105	118- 06-080	REP	00-05-011
16-213-120	REP	00-08-041	16-483-050	AMD	00-05-105	118- 07-010	REP	00-05-011
16-213-130	REP-P	00-05-048	16-483-060	REP	00-05-105	118- 07-020	REP	00-05-011
16-213-130	REP	00-08-041	16-516-010	AMD-XA	00-07-079	118- 07-030	REP	00-05-011
16-213-200	AMD-P	00-05-048	16-516-010	AMD	00-11-180	118- 07-040	REP	00-05-011
16-213-200	AMD	00-08-041	16-516-020	AMD-XA	00-07-079	118- 07-050	REP	00-05-011
16-213-220	REP-P	00-05-048	16-516-020	AMD	00-11-180	118- 07-060	REP	00-05-011
16-213-220	REP	00-08-041	16-536-040	AMD-P	00-05-089	118- 08-010	REP	00-05-011
16-213-230	REP-P	00-05-048	16-550-020	AMD-XA	00-05-090	118- 08-020	REP	00-05-011
16-213-230	REP	00-08-041	16-550-020	AMD	00-10-022	118- 08-030	REP	00-05-011
16-213-240	REP-P	00-05-048	16-555-020	AMD-XA	00-05-091	118- 08-040	REP	00-05-011
16-213-240	REP	00-08-041	16-555-020	AMD	00-10-024	118- 08-050	REP	00-05-011
16-213-250	REP-P	00-05-048	16-557	REP-C	00-08-066	118- 08-060	REP	00-05-011
16-213-250	REP	00-08-041	16-557	REP-C	00-09-026	118- 08-070	REP	00-05-011
16-213-260	AMD-P	00-05-048	16-557-010	REP-C	00-07-136	131- 16	PREP	00-08-029
16-213-260	AMD	00-08-041	16-557-010	REP-W	00-10-066	131- 16-021	AMD-E	00-09-050
16-213-270	AMD-P	00-05-048	16-557-020	REP-C	00-07-136	131- 16-021	AMD-P	00-10-099
16-213-270	AMD	00-08-041	16-557-020	REP-W	00-10-066	131- 16-031	AMD-E	00-09-050
16-228-1010	PREP	00-03-080	16-557-025	REP-C	00-07-136	131- 16-031	AMD-P	00-10-099
16-228-1040	PREP	00-03-080	16-557-025	REP-W	00-10-066	131- 16-450	PREP	00-07-128
16-228-1110	AMD-P	00-10-098	16-557-030	REP-C	00-07-136	132E-120	PREP	00-02-082
16-228-1120	AMD-P	00-10-098	16-557-030	REP-W	00-10-066	132E-120	AMD-P	00-06-063
16-228-1125	NEW-P	00-10-098	16-557-040	REP-C	00-07-136	132E-120-010	DECOD-P	00-06-063
16-228-1130	AMD-P	00-10-098	16-557-040	REP-W	00-10-066	132E-120-020	AMD-P	00-06-063
16-228-1140	REP-P	00-10-098	16-557-041	REP-C	00-07-136	132E-120-020	DECOD-P	00-06-063
16-228-1150	PREP	00-03-080	16-557-041	REP-W	00-10-066	132E-120-030	AMD-P	00-06-063
16-228-1150	AMD-P	00-10-098	16-557-050	REP-C	00-07-136	132E-120-030	DECOD-P	00-06-063
16-228-1155	NEW-P	00-10-098	16-557-050	REP-W	00-10-066	132E-120-040	AMD-P	00-06-063
16-228-1200	PREP	00-03-080	16-557-060	REP-C	00-07-136	132E-120-040	DECOD-P	00-06-063
16-228-1220	PREP	00-03-077	16-557-060	REP-W	00-10-066	132E-120-110	NEW-P	00-06-063
16-228-1230	PREP	00-03-080	16-557-070	REP-C	00-07-136	132E-120-120	NEW-P	00-06-063
16-228-1240	PREP	00-03-077	16-557-070	REP-W	00-10-066	132E-120-130	NEW-P	00-06-063
16-228-1250	PREP	00-03-077	16-557-080	REP-C	00-07-136	132E-120-140	NEW-P	00-06-063
16-228-1270	PREP	00-03-080	16-557-080	REP-W	00-10-066	132E-120-150	NEW-P	00-06-063
16-228-1300	PREP	00-03-077	16-565-020	AMD-XA	00-05-092	132E-120-160	RECOD-P	00-06-063
16-228-1320	PREP	00-03-077	16-565-020	AMD	00-10-023	132E-120-170	RECOD-P	00-06-063
16-228-1380	PREP	00-03-080	16-570	PREP	00-10-109	132E-120-180	RECOD-P	00-06-063
16-228-1385	PREP	00-03-080	16-573	PREP	00-10-108	132E-120-190	RECOD-P	00-06-063
16-228-1400	PREP	00-03-078	16-622	PREP	00-12-007	132E-120-200	NEW-P	00-06-063
16-228-1500	PREP	00-03-079	16-662-105	AMD-P	00-09-090	132E-120-210	NEW-P	00-06-063
16-228-1520	PREP	00-03-079	25- 48	PREP	00-11-170	132E-120-220	RECOD-P	00-06-063
16-228-1540	PREP	00-03-080	44- 10-010	AMD	00-08-068	132E-120-230	RECOD-P	00-06-063
16-228-1545	PREP	00-03-079	44- 10-170	AMD	00-08-068	132E-120-240	NEW-P	00-06-063
16-228-1580	PREP	00-03-080	44- 10-200	AMD	00-08-068	132E-120-250	NEW-P	00-06-063
16-228-2000	PREP	00-03-077	82- 50-021	AMD-XA	00-05-016	132E-120-260	NEW-P	00-06-063
16-230	PREP	00-04-020	82- 50-021	AMD	00-09-088	132E-120-270	NEW-P	00-06-063
16-230	PREP	00-04-021	112- 10-010	AMD	00-05-036	132E-120-280	NEW-P	00-06-063
16-230	PREP	00-04-022	112- 10-020	AMD	00-05-036	132E-120-290	NEW-P	00-06-063
16-233	PREP	00-09-029	112- 10-030	AMD	00-05-036	132E-120-300	NEW-P	00-06-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132E-120-310	NEW-P	00-06-063	132L-20-140	REP	00-07-113	132Q-04-190	AMD-P	00-08-075
132E-120-320	NEW-P	00-06-063	132L-22-020	REP	00-07-113	132Q-04-200	AMD-P	00-08-075
132E-120-330	NEW-P	00-06-063	132L-22-060	REP	00-07-113	132Q-04-210	AMD-P	00-08-075
132E-120-340	NEW-P	00-06-063	132L-22-070	REP	00-07-113	132Q-04-240	AMD-P	00-08-075
132E-120-350	NEW-P	00-06-063	132L-22-080	REP	00-07-113	132Q-04-250	AMD-P	00-08-075
132E-120-360	NEW-P	00-06-063	132L-24-010	REP	00-07-113	132Q-04-260	AMD-P	00-08-075
132E-120-370	NEW-P	00-06-063	132L-24-020	REP	00-07-113	132Q-04-280	AMD-P	00-08-075
132E-120-380	NEW-P	00-06-063	132L-24-030	REP	00-07-113	132Q-05-010	AMD-P	00-08-075
132E-120-390	NEW-P	00-06-063	132L-24-090	REP	00-07-113	132Q-05-020	AMD-P	00-08-075
132E-120-400	NEW-P	00-06-063	132L-25-010	REP	00-07-113	132Q-05-033	AMD-P	00-08-075
132E-120-410	NEW-P	00-06-063	132L-120-010	AMD	00-07-113	132Q-05-036	AMD-P	00-08-075
132E-121-010	AMD-P	00-06-063	132L-120-015	NEW	00-07-113	132Q-05-040	AMD-P	00-08-075
132E-121-010	DECOD-P	00-06-063	132L-120-020	AMD	00-07-113	132Q-05-050	AMD-P	00-08-075
132E-124-020	AMD-P	00-06-063	132L-120-030	NEW	00-07-113	132Q-05-060	AMD-P	00-08-075
132E-124-020	DECOD-P	00-06-063	132L-120-040	NEW	00-07-113	132Q-05-070	AMD-P	00-08-075
132G-276-010	AMD-P	00-02-074	132L-120-070	NEW	00-07-113	132Q-05-080	AMD-P	00-08-075
132G-276-010	AMD-S	00-06-074	132L-120-080	NEW	00-07-113	132Q-05-090	AMD-P	00-08-075
132G-276-010	AMD	00-10-048	132L-120-090	NEW	00-07-113	132Q-05-100	AMD-P	00-08-075
132G-276-020	AMD-P	00-02-074	132L-120-100	NEW	00-07-113	132Q-20-010	AMD-P	00-08-075
132G-276-020	AMD-S	00-06-074	132L-120-110	NEW	00-07-113	132Q-20-020	AMD-P	00-08-075
132G-276-020	AMD	00-10-048	132L-120-120	NEW	00-07-113	132Q-20-040	AMD-P	00-08-075
132G-276-030	REP-P	00-02-074	132L-120-130	NEW	00-07-113	132Q-20-060	AMD-P	00-08-075
132G-276-030	REP-S	00-06-074	132L-120-140	NEW	00-07-113	132Q-20-080	AMD-P	00-08-075
132G-276-030	REP	00-10-048	132L-120-150	NEW	00-07-113	132Q-20-090	AMD-P	00-08-075
132G-276-040	REP-P	00-02-074	132L-120-160	NEW	00-07-113	132Q-20-110	AMD-P	00-08-075
132G-276-040	REP-S	00-06-074	132L-120-170	NEW	00-07-113	132Q-20-130	AMD-P	00-08-075
132G-276-040	REP	00-10-048	132L-120-180	NEW	00-07-113	132Q-20-150	AMD-P	00-08-075
132G-276-050	AMD-P	00-02-074	132L-120-190	NEW	00-07-113	132Q-20-160	AMD-P	00-08-075
132G-276-050	AMD-S	00-06-074	132L-120-200	NEW	00-07-113	132Q-20-170	AMD-P	00-08-075
132G-276-050	AMD	00-10-048	132L-120-210	NEW	00-07-113	132Q-20-180	AMD-P	00-08-075
132G-276-060	AMD-P	00-02-074	132L-120-220	NEW	00-07-113	132Q-20-200	AMD-P	00-08-075
132G-276-060	AMD-S	00-06-074	132N-156	PREP	00-10-043	132Q-20-210	AMD-P	00-08-075
132G-276-060	AMD	00-10-048	132Q-04-010	AMD-P	00-08-075	132Q-20-220	AMD-P	00-08-075
132G-276-080	AMD-P	00-02-074	132Q-04-020	AMD-P	00-08-075	132Q-20-240	AMD-P	00-08-075
132G-276-080	AMD-S	00-06-074	132Q-04-031	NEW-P	00-08-075	132Q-20-250	AMD-P	00-08-075
132G-276-080	AMD	00-10-048	132Q-04-035	REP-P	00-08-075	132Q-20-260	AMD-P	00-08-075
132G-276-090	AMD-P	00-02-074	132Q-04-040	REP-P	00-08-075	132Q-20-270	AMD-P	00-08-075
132G-276-090	AMD-S	00-06-074	132Q-04-050	REP-P	00-08-075	132Q-94-010	AMD-P	00-08-075
132G-276-090	AMD	00-10-048	132Q-04-060	REP-P	00-08-075	132Q-94-020	AMD-P	00-08-075
132G-276-100	AMD-P	00-02-074	132Q-04-061	REP-P	00-08-075	132Q-94-030	AMD-P	00-08-075
132G-276-100	AMD-S	00-06-074	132Q-04-067	REP-P	00-08-075	132Q-94-125	AMD-P	00-08-075
132G-276-100	AMD	00-10-048	132Q-04-068	REP-P	00-08-075	132Q-94-150	AMD-P	00-08-075
132G-276-110	AMD-P	00-02-074	132Q-04-070	REP-P	00-08-075	132S-40-005	AMD-P	00-12-010
132G-276-110	AMD-S	00-06-074	132Q-04-075	REP-P	00-08-075	132S-40-010	REP-P	00-12-010
132G-276-110	AMD	00-10-048	132Q-04-076	AMD-P	00-08-075	132S-40-015	REP-P	00-12-010
132G-276-120	AMD-P	00-02-074	132Q-04-080	REP-P	00-08-075	132S-40-020	REP-P	00-12-010
132G-276-120	AMD-S	00-06-074	132Q-04-081	REP-P	00-08-075	132S-40-025	REP-P	00-12-010
132G-276-120	AMD	00-10-048	132Q-04-082	REP-P	00-08-075	132S-40-030	REP-P	00-12-010
132G-276-130	AMD-P	00-02-074	132Q-04-083	REP-P	00-08-075	132S-40-035	REP-P	00-12-010
132G-276-130	AMD-S	00-06-074	132Q-04-085	REP-P	00-08-075	132S-40-040	REP-P	00-12-010
132G-276-130	AMD	00-10-048	132Q-04-090	REP-P	00-08-075	132S-40-045	REP-P	00-12-010
132G-276-900	AMD-P	00-02-074	132Q-04-094	REP-P	00-08-075	132S-40-046	REP-P	00-12-010
132G-276-900	AMD-S	00-06-074	132Q-04-095	REP-P	00-08-075	132S-40-055	REP-P	00-12-010
132G-276-900	AMD	00-10-048	132Q-04-096	REP-P	00-08-075	132S-40-060	REP-P	00-12-010
132H-160-182	AMD	00-11-102	132Q-04-100	AMD-P	00-08-075	132S-40-065	REP-P	00-12-010
132L-20-010	REP	00-07-113	132Q-04-110	AMD-P	00-08-075	132S-40-070	REP-P	00-12-010
132L-20-030	REP	00-07-113	132Q-04-120	AMD-P	00-08-075	132S-40-075	REP-P	00-12-010
132L-20-050	REP	00-07-113	132Q-04-130	AMD-P	00-08-075	132S-40-080	REP-P	00-12-010
132L-20-070	REP	00-07-113	132Q-04-140	AMD-P	00-08-075	132S-40-140	REP-P	00-12-010
132L-20-080	REP	00-07-113	132Q-04-150	AMD-P	00-08-075	132S-40-145	REP-P	00-12-010
132L-20-130	REP	00-07-113	132Q-04-170	AMD-P	00-08-075	132S-40-150	REP-P	00-12-010
132L-20-135	REP	00-07-113	132Q-04-180	AMD-P	00-08-075	132S-40-155	REP-P	00-12-010

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132S- 40-160	NEW-P	00-12-010	132X- 60-060	AMD	00-05-023	137- 28-260	AMD	00-10-079
132S- 40-165	NEW-P	00-12-010	132X- 60-065	NEW	00-05-023	137- 28-270	AMD-P	00-07-048
132S- 40-170	NEW-P	00-12-010	132X- 60-075	NEW	00-05-023	137- 28-270	AMD	00-10-079
132S- 40-175	NEW-P	00-12-010	132X- 60-080	AMD	00-05-023	137- 28-290	AMD-P	00-07-048
132S- 40-180	NEW-P	00-12-010	132X- 60-090	AMD	00-05-023	137- 28-290	AMD	00-10-079
132S- 40-185	NEW-P	00-12-010	132X- 60-100	AMD	00-05-023	137- 28-300	AMD-P	00-07-048
132S- 40-190	NEW-P	00-12-010	132X- 60-110	AMD	00-05-023	137- 28-300	AMD	00-10-079
132S- 40-195	NEW-P	00-12-010	132X- 60-120	AMD	00-05-023	137- 28-310	AMD-P	00-07-048
132S- 40-200	NEW-P	00-12-010	132X- 60-130	AMD	00-05-023	137- 28-310	AMD	00-10-079
132S- 40-210	NEW-P	00-12-010	132X- 60-140	AMD	00-05-023	137- 28-320	REP-P	00-07-048
132X- 10-010	AMD	00-05-023	132X- 60-150	AMD	00-05-023	137- 28-320	REP	00-10-079
132X- 10-030	AMD	00-05-023	132X- 60-160	AMD	00-05-023	137- 28-350	AMD-P	00-07-048
132X- 10-050	AMD	00-05-023	132X- 60-170	AMD	00-05-023	137- 28-350	AMD	00-10-079
132X- 10-060	AMD	00-05-023	132X- 60-178	NEW	00-05-023	137- 28-380	AMD-P	00-07-048
132X- 10-080	AMD	00-05-023	132X- 60-180	AMD	00-05-023	137- 28-380	AMD	00-10-079
132X- 10-100	AMD	00-05-023	132Z-104-010	REP-XR	00-11-018	137- 28-420	AMD-P	00-07-048
132X- 10-110	AMD	00-05-023	132Z-112-010	NEW-P	00-07-121	137- 28-420	AMD	00-10-079
132X- 20-010	REP	00-05-022	132Z-112-020	NEW-P	00-07-121	137- 32-002	AMD	00-09-063
132X- 20-020	REP	00-05-022	132Z-112-030	NEW-P	00-07-121	137- 32-005	AMD	00-09-063
132X- 20-030	REP	00-05-022	132Z-112-040	NEW-P	00-07-121	137- 32-010	AMD	00-09-063
132X- 20-040	REP	00-05-022	132Z-112-050	NEW-P	00-07-121	137- 32-015	AMD	00-09-063
132X- 20-050	REP	00-05-022	132Z-115-010	NEW-P	00-07-121	137- 32-020	AMD	00-09-063
132X- 20-060	REP	00-05-022	132Z-115-020	NEW-P	00-07-121	137- 32-025	AMD	00-09-063
132X- 20-070	REP	00-05-022	132Z-115-030	NEW-P	00-07-121	137- 32-030	AMD	00-09-063
132X- 20-080	REP	00-05-022	132Z-115-040	NEW-P	00-07-121	137- 32-035	AMD	00-09-063
132X- 20-090	REP	00-05-022	132Z-115-050	NEW-P	00-07-121	137- 32-045	AMD	00-09-063
132X- 20-100	REP	00-05-022	132Z-115-060	NEW-P	00-07-121	137-125-005	NEW-E	00-05-044
132X- 20-110	REP	00-05-022	132Z-115-070	NEW-P	00-07-121	137-125-010	NEW-E	00-05-044
132X- 20-120	REP	00-05-022	132Z-115-080	NEW-P	00-07-121	137-125-015	NEW-E	00-05-044
132X- 20-130	REP	00-05-022	132Z-115-090	NEW-P	00-07-121	137-125-040	NEW-E	00-05-044
132X- 30-040	AMD	00-05-023	132Z-115-100	NEW-P	00-07-121	137-125-042	NEW-E	00-05-044
132X- 40-020	AMD	00-05-023	132Z-115-110	NEW-P	00-07-121	137-125-044	NEW-E	00-05-044
132X- 50-020	AMD	00-05-023	132Z-115-120	NEW-P	00-07-121	137-125-046	NEW-E	00-05-044
132X- 50-030	AMD	00-05-023	132Z-115-130	NEW-P	00-07-121	137-125-048	NEW-E	00-05-044
132X- 50-040	AMD	00-05-023	132Z-115-140	NEW-P	00-07-121	137-125-052	NEW-E	00-05-044
132X- 50-050	AMD	00-05-023	132Z-115-150	NEW-P	00-07-121	137-125-054	NEW-E	00-05-044
132X- 50-060	AMD	00-05-023	132Z-115-160	NEW-P	00-07-121	137-125-060	NEW-E	00-05-044
132X- 50-080	AMD	00-05-023	132Z-115-170	NEW-P	00-07-121	137-125-070	NEW-E	00-05-044
132X- 50-110	AMD	00-05-023	132Z-115-180	NEW-P	00-07-121	137-125-072	NEW-E	00-05-044
132X- 50-120	AMD	00-05-023	132Z-115-190	NEW-P	00-07-121	137-125-076	NEW-E	00-05-044
132X- 50-130	AMD	00-05-023	132Z-115-200	NEW-P	00-07-121	137-125-078	NEW-E	00-05-044
132X- 50-140	AMD	00-05-023	132Z-115-210	NEW-P	00-07-121	137-125-090	NEW-E	00-05-044
132X- 50-150	AMD	00-05-023	132Z-115-220	NEW-P	00-07-121	137-125-095	NEW-E	00-05-044
132X- 50-160	AMD	00-05-023	132Z-115-230	NEW-P	00-07-121	137-125-100	NEW-E	00-05-044
132X- 50-170	AMD	00-05-023	136- 10-035	NEW-P	00-12-003	137-125-105	NEW-E	00-05-044
132X- 50-180	AMD	00-05-023	136-150-022	AMD-P	00-12-004	137-125-110	NEW-E	00-05-044
132X- 50-190	AMD	00-05-023	136-167-020	AMD	00-05-043	137-125-115	NEW-E	00-05-044
132X- 50-210	AMD	00-05-023	136-167-030	AMD	00-05-043	137-125-120	NEW-E	00-05-044
132X- 50-230	AMD	00-05-023	137- 28	PREP	00-02-070	137-125-125	NEW-E	00-05-044
132X- 50-240	AMD	00-05-023	137- 28-140	AMD-P	00-07-048	137-125-130	NEW-E	00-05-044
132X- 50-260	AMD	00-05-023	137- 28-140	AMD	00-10-079	137-125-135	NEW-E	00-05-044
132X- 50-270	AMD	00-05-023	137- 28-160	AMD-P	00-07-048	137-125-140	NEW-E	00-05-044
132X- 50-280	AMD	00-05-023	137- 28-160	AMD	00-10-079	137-125-195	NEW-E	00-05-044
132X- 60-010	AMD	00-05-023	137- 28-170	AMD-P	00-07-048	137-130-005	NEW-E	00-05-045
132X- 60-015	NEW	00-05-023	137- 28-170	AMD	00-10-079	137-130-010	NEW-E	00-05-045
132X- 60-020	AMD	00-05-023	137- 28-185	NEW-P	00-07-048	137-130-020	NEW-E	00-05-045
132X- 60-035	NEW	00-05-023	137- 28-185	NEW	00-10-079	137-130-030	NEW-E	00-05-045
132X- 60-037	NEW	00-05-023	137- 28-220	AMD-P	00-07-048	137-130-040	NEW-E	00-05-045
132X- 60-040	AMD	00-05-023	137- 28-220	AMD	00-10-079	137-130-050	NEW-E	00-05-045
132X- 60-045	NEW	00-05-023	137- 28-230	AMD-P	00-07-048	137-130-060	NEW-E	00-05-045
132X- 60-046	NEW	00-05-023	137- 28-230	AMD	00-10-079	137-130-070	NEW-E	00-05-045
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137-130-100	NEW-E	00-05-045	139- 02-110	NEW-P	00-07-097	173- 26-240	NEW-P	00-11-175
137-130-110	NEW-E	00-05-045	139- 03-010	NEW-P	00-07-097	173- 26-250	NEW-P	00-11-175
137-130-120	NEW-E	00-05-045	139- 03-020	NEW-P	00-07-097	173- 26-270	NEW-P	00-11-175
137-130-130	NEW-E	00-05-045	139- 03-030	NEW-P	00-07-097	173- 26-280	NEW-P	00-11-175
137-130-140	NEW-E	00-05-045	139- 03-040	NEW-P	00-07-097	173- 26-290	NEW-P	00-11-175
137-130-150	NEW-E	00-05-045	139- 03-050	NEW-P	00-07-097	173- 26-300	NEW-P	00-11-175
139- 01	PREP	00-04-048	139- 03-060	NEW-P	00-07-097	173- 26-310	NEW-P	00-11-175
139- 01-100	AMD-P	00-07-097	139- 03-070	NEW-P	00-07-097	173- 26-320	NEW-P	00-11-175
139- 01-110	REP-P	00-07-097	139- 03-080	NEW-P	00-07-097	173- 26-330	NEW-P	00-11-175
139- 01-320	REP-P	00-07-097	139- 05	PREP	00-04-048	173- 26-340	NEW-P	00-11-175
139- 01-330	REP-P	00-07-097	139- 05-200	AMD-P	00-07-097	173- 26-350	NEW-P	00-11-175
139- 01-410	REP-P	00-07-097	139- 05-210	AMD-P	00-07-097	173- 26-360	NEW-P	00-11-175
139- 01-415	REP-P	00-07-097	139- 05-220	AMD-P	00-07-097	173- 95A	PREP	00-11-031
139- 01-420	REP-P	00-07-097	139- 05-230	AMD-P	00-07-097	173- 98	PREP	00-11-032
139- 01-425	REP-P	00-07-097	139- 05-240	AMD-P	00-07-097	173- 98-030	AMD-XA	00-04-085
139- 01-430	REP-P	00-07-097	139- 05-242	AMD-P	00-07-097	173- 98-030	AMD	00-09-010
139- 01-435	REP-P	00-07-097	139- 05-250	AMD-P	00-07-097	173-145-010	AMD-XA	00-11-065
139- 01-440	REP-P	00-07-097	139- 05-810	AMD-P	00-07-097	173-145-020	AMD-XA	00-11-065
139- 01-445	REP-P	00-07-097	139- 05-912	AMD-P	00-07-097	173-145-030	AMD-XA	00-11-065
139- 01-450	REP-P	00-07-097	139- 05-915	AMD-P	00-07-097	173-145-040	AMD-XA	00-11-065
139- 01-455	REP-P	00-07-097	139- 10	PREP	00-04-048	173-145-050	AMD-XA	00-11-065
139- 01-460	REP-P	00-07-097	139- 10-210	AMD-P	00-07-097	173-145-060	AMD-XA	00-11-065
139- 01-465	REP-P	00-07-097	139- 10-212	AMD-P	00-07-097	173-145-070	AMD-XA	00-11-065
139- 01-470	REP-P	00-07-097	139- 10-215	AMD-P	00-07-097	173-145-080	AMD-XA	00-11-065
139- 01-475	REP-P	00-07-097	139- 10-220	AMD-P	00-07-097	173-145-090	AMD-XA	00-11-065
139- 01-510	REP-P	00-07-097	139- 10-221	NEW-P	00-07-097	173-145-100	AMD-XA	00-11-065
139- 01-515	REP-P	00-07-097	139- 10-222	AMD-P	00-07-097	173-145-110	AMD-XA	00-11-065
139- 01-520	REP-P	00-07-097	139- 10-230	AMD-P	00-07-097	173-145-120	AMD-XA	00-11-065
139- 01-525	REP-P	00-07-097	139- 10-235	AMD-P	00-07-097	173-145-130	AMD-XA	00-11-065
139- 01-530	REP-P	00-07-097	139- 10-236	NEW-P	00-07-097	173-145-155	AMD-XA	00-11-065
139- 01-535	REP-P	00-07-097	139- 10-237	AMD-P	00-07-097	173-181	PREP	00-05-096
139- 01-540	REP-P	00-07-097	139- 10-240	AMD-P	00-07-097	173-202-010	REP-XR	00-06-038
139- 01-545	REP-P	00-07-097	139- 10-310	AMD-P	00-07-097	173-202-010	REP	00-11-005
139- 01-550	REP-P	00-07-097	139- 10-320	AMD-P	00-07-097	173-202-020	REP-XR	00-06-038
139- 01-555	REP-P	00-07-097	139- 10-410	AMD-P	00-07-097	173-202-020	REP	00-11-005
139- 01-560	REP-P	00-07-097	139- 10-420	AMD-P	00-07-097	173-224-040	AMD-XA	00-07-112
139- 01-565	REP-P	00-07-097	139- 10-510	AMD-P	00-07-097	173-240-020	AMD-XA	00-10-054
139- 01-570	REP-P	00-07-097	139- 10-520	AMD-P	00-07-097	173-240-030	AMD-XA	00-10-054
139- 01-575	REP-P	00-07-097	139- 25	PREP	00-04-048	173-240-035	AMD-XA	00-10-054
139- 01-610	REP-P	00-07-097	139- 25-110	AMD-P	00-07-097	173-240-040	AMD-XA	00-10-054
139- 01-615	REP-P	00-07-097	173- 15-010	AMD-XA	00-11-066	173-240-040	AMD-XA	00-10-054
139- 01-620	REP-P	00-07-097	173- 15-020	AMD-XA	00-11-066	173-240-050	AMD-XA	00-10-054
139- 01-625	REP-P	00-07-097	173- 15-030	AMD-XA	00-11-066	173-240-060	AMD-XA	00-10-054
139- 01-630	REP-P	00-07-097	173- 16-010	REP-P	00-11-175	173-240-070	AMD-XA	00-10-054
139- 01-710	REP-P	00-07-097	173- 16-020	REP-P	00-11-175	173-240-075	AMD-XA	00-10-054
139- 01-715	REP-P	00-07-097	173- 16-030	REP-P	00-11-175	173-240-080	AMD-XA	00-10-054
139- 01-720	REP-P	00-07-097	173- 16-040	REP-P	00-11-175	173-240-090	AMD-XA	00-10-054
139- 01-725	REP-P	00-07-097	173- 16-050	REP-P	00-11-175	173-240-095	AMD-XA	00-10-054
139- 01-730	REP-P	00-07-097	173- 16-060	REP-P	00-11-175	173-240-100	AMD-XA	00-10-054
139- 01-735	REP-P	00-07-097	173- 16-064	REP-P	00-11-175	173-240-104	AMD-XA	00-10-054
139- 01-810	REP-P	00-07-097	173- 16-064	REP-P	00-11-175	173-240-110	AMD-XA	00-10-054
139- 01-810	REP-P	00-07-097	173- 16-070	REP-P	00-11-175	173-240-120	AMD-XA	00-10-054
139- 01-820	REP-P	00-07-097	173- 16-200	REP-P	00-11-175	173-240-130	AMD-XA	00-10-054
139- 02-010	NEW-P	00-07-097	173- 26-010	AMD-P	00-11-175	173-240-140	AMD-XA	00-10-054
139- 02-020	NEW-P	00-07-097	173- 26-020	AMD-P	00-11-175	173-240-150	AMD-XA	00-10-054
139- 02-030	NEW-P	00-07-097	173- 26-105	NEW-P	00-11-175	173-240-160	AMD-XA	00-10-054
139- 02-040	NEW-P	00-07-097	173- 26-170	NEW-P	00-11-175	173-240-170	AMD-XA	00-10-054
139- 02-050	NEW-P	00-07-097	173- 26-180	NEW-P	00-11-175	173-240-180	AMD-XA	00-10-054
139- 02-060	NEW-P	00-07-097	173- 26-190	NEW-P	00-11-175	173-245-010	AMD-XA	00-09-025
139- 02-070	NEW-P	00-07-097	173- 26-200	NEW-P	00-11-175	173-245-015	AMD-XA	00-09-025
139- 02-080	NEW-P	00-07-097	173- 26-210	NEW-P	00-11-175	173-245-020	AMD-XA	00-09-025
139- 02-090	NEW-P	00-07-097	173- 26-220	NEW-P	00-11-175	173-245-030	AMD-XA	00-09-025

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173-245-040	AMD-XA	00-09-025	173-303-390	AMD-P	00-02-081	173-303-9904	AMD-P	00-02-081
173-245-050	AMD-XA	00-09-025	173-303-390	AMD	00-11-040	173-303-9904	AMD	00-11-040
173-245-055	AMD-XA	00-09-025	173-303-400	AMD-P	00-02-081	173-303-9907	AMD-P	00-02-081
173-245-060	AMD-XA	00-09-025	173-303-400	AMD	00-11-040	173-303-9907	AMD	00-11-040
173-245-070	AMD-XA	00-09-025	173-303-505	AMD-P	00-02-081	173-305-010	AMD-XA	00-10-053
173-245-075	AMD-XA	00-09-025	173-303-505	AMD	00-11-040	173-305-015	AMD-XA	00-10-053
173-245-080	AMD-XA	00-09-025	173-303-510	AMD-P	00-02-081	173-305-020	AMD-XA	00-10-053
173-245-084	AMD-XA	00-09-025	173-303-510	AMD	00-11-040	173-305-040	AMD-XA	00-10-053
173-245-090	AMD-XA	00-09-025	173-303-515	AMD-P	00-02-081	173-305-050	AMD-XA	00-10-053
173-303	AMD-C	00-11-039	173-303-515	AMD	00-11-040	173-305-110	AMD-XA	00-10-053
173-303-010	AMD-P	00-02-081	173-303-520	AMD-P	00-02-081	173-305-120	AMD-XA	00-10-053
173-303-010	AMD	00-11-040	173-303-520	AMD	00-11-040	173-305-210	AMD-XA	00-10-053
173-303-016	AMD-P	00-02-081	173-303-522	AMD-P	00-02-081	173-305-220	AMD-XA	00-10-053
173-303-016	AMD	00-11-040	173-303-522	AMD	00-11-040	173-305-230	AMD-XA	00-10-053
173-303-040	AMD-P	00-02-081	173-303-573	AMD-P	00-02-081	173-305-240	AMD-XA	00-10-053
173-303-040	AMD	00-11-040	173-303-573	AMD	00-11-040	173-307-010	AMD-XA	00-10-052
173-303-045	AMD-P	00-02-081	173-303-578	NEW-P	00-02-081	173-307-015	AMD-XA	00-10-052
173-303-045	AMD	00-11-040	173-303-578	NEW	00-11-040	173-307-020	AMD-XA	00-10-052
173-303-060	AMD-P	00-02-081	173-303-600	AMD-P	00-02-081	173-307-030	AMD-XA	00-10-052
173-303-060	AMD	00-11-040	173-303-600	AMD	00-11-040	173-307-040	AMD-XA	00-10-052
173-303-070	AMD-P	00-02-081	173-303-610	AMD-P	00-02-081	173-307-050	AMD-XA	00-10-052
173-303-070	AMD	00-11-040	173-303-610	AMD	00-11-040	173-307-060	AMD-XA	00-10-052
173-303-071	AMD-P	00-02-081	173-303-620	AMD-P	00-02-081	173-307-070	AMD-XA	00-10-052
173-303-071	AMD	00-11-040	173-303-620	AMD	00-11-040	173-307-080	AMD-XA	00-10-052
173-303-073	AMD-P	00-02-081	173-303-630	AMD-P	00-02-081	173-307-090	AMD-XA	00-10-052
173-303-073	AMD	00-11-040	173-303-630	AMD	00-11-040	173-307-100	AMD-XA	00-10-052
173-303-077	AMD-P	00-02-081	173-303-640	AMD-P	00-02-081	173-307-110	AMD-XA	00-10-052
173-303-077	AMD	00-11-040	173-303-640	AMD	00-11-040	173-307-130	AMD-XA	00-10-052
173-303-100	AMD-P	00-02-081	173-303-645	AMD-P	00-02-081	173-307-140	AMD-XA	00-10-052
173-303-100	AMD	00-11-040	173-303-645	AMD	00-11-040	173-321-010	AMD-W	00-09-083
173-303-110	AMD-P	00-02-081	173-303-646	AMD-P	00-02-081	173-321-020	AMD-W	00-09-083
173-303-110	AMD	00-11-040	173-303-646	AMD	00-11-040	173-321-040	AMD-W	00-09-083
173-303-120	AMD-P	00-02-081	173-303-650	AMD-P	00-02-081	173-321-050	AMD-W	00-09-083
173-303-120	AMD	00-11-040	173-303-650	AMD	00-11-040	173-321-060	AMD-W	00-09-083
173-303-160	AMD-P	00-02-081	173-303-680	AMD-P	00-02-081	173-321-080	AMD-W	00-09-083
173-303-160	AMD	00-11-040	173-303-680	AMD	00-11-040	173-322	AMD-W	00-09-083
173-303-170	AMD-P	00-02-081	173-303-690	AMD-P	00-02-081	173-322-020	AMD-W	00-09-083
173-303-170	AMD	00-11-040	173-303-690	AMD	00-11-040	173-322-030	AMD-W	00-09-083
173-303-180	AMD-P	00-02-081	173-303-691	AMD-P	00-02-081	173-322-040	AMD-W	00-09-083
173-303-180	AMD	00-11-040	173-303-691	AMD	00-11-040	173-322-050	AMD-W	00-09-083
173-303-190	AMD-P	00-02-081	173-303-692	NEW-P	00-02-081	173-322-060	AMD-W	00-09-083
173-303-190	AMD	00-11-040	173-303-692	NEW	00-11-040	173-322-070	AMD-W	00-09-083
173-303-200	AMD-P	00-02-081	173-303-693	NEW-P	00-02-081	173-322-090	AMD-W	00-09-083
173-303-200	AMD	00-11-040	173-303-693	NEW	00-11-040	173-322-100	AMD-W	00-09-083
173-303-201	AMD-P	00-02-081	173-303-800	AMD-P	00-02-081	173-322-110	AMD-W	00-09-083
173-303-201	AMD	00-11-040	173-303-800	AMD	00-11-040	173-322-120	AMD-W	00-09-083
173-303-240	AMD-P	00-02-081	173-303-803	NEW-P	00-02-081	173-340-100	AMD-W	00-09-083
173-303-240	AMD	00-11-040	173-303-803	NEW	00-11-040	173-340-120	AMD-W	00-09-083
173-303-280	AMD-P	00-02-081	173-303-804	AMD-P	00-02-081	173-340-130	AMD-W	00-09-083
173-303-280	AMD	00-11-040	173-303-804	AMD	00-11-040	173-340-140	AMD-W	00-09-083
173-303-281	AMD-P	00-02-081	173-303-805	AMD-P	00-02-081	173-340-200	AMD-W	00-09-083
173-303-281	AMD	00-11-040	173-303-805	AMD	00-11-040	173-340-210	AMD-W	00-09-083
173-303-300	AMD-P	00-02-081	173-303-806	AMD-P	00-02-081	173-340-300	AMD-W	00-09-083
173-303-300	AMD	00-11-040	173-303-806	AMD	00-11-040	173-340-310	AMD-W	00-09-083
173-303-320	AMD-P	00-02-081	173-303-807	AMD-P	00-02-081	173-340-320	AMD-W	00-09-083
173-303-320	AMD	00-11-040	173-303-807	AMD	00-11-040	173-340-330	AMD-W	00-09-083
173-303-360	AMD-P	00-02-081	173-303-810	AMD-P	00-02-081	173-340-340	AMD-W	00-09-083
173-303-360	AMD	00-11-040	173-303-810	AMD	00-11-040	173-340-350	AMD-W	00-09-083
173-303-370	AMD-P	00-02-081	173-303-830	AMD-P	00-02-081	173-340-360	AMD-W	00-09-083
173-303-370	AMD	00-11-040	173-303-830	AMD	00-11-040	173-340-370	NEW-W	00-09-083
173-303-380	AMD-P	00-02-081	173-303-840	AMD-P	00-02-081	173-340-380	NEW-W	00-09-083
173-303-380	AMD	00-11-040	173-303-840	AMD	00-11-040	173-340-390	NEW-W	00-09-083

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173-340-410	AMD-W	00-09-083	180- 51	PREP	00-11-171	180- 82-342	AMD-P	00-05-083
173-340-420	AMD-W	00-09-083	180- 51-063	NEW	00-04-047	180- 82-342	AMD	00-09-047
173-340-430	AMD-W	00-09-083	180- 51-063	PREP	00-07-017	180- 82-343	AMD-P	00-05-083
173-340-440	AMD-W	00-09-083	180- 51-063	AMD-P	00-10-018	180- 82-343	AMD	00-09-047
173-340-450	AMD-W	00-09-083	180- 51-064	NEW	00-04-047	180- 85-030	PREP	00-05-077
173-340-510	AMD-W	00-09-083	180- 51-075	AMD	00-05-010	180- 85-030	AMD-P	00-10-082
173-340-515	NEW-W	00-09-083	180- 51-075	PREP	00-06-054	182- 12-119	PREP	00-12-045
173-340-520	AMD-W	00-09-083	180- 51-075	AMD-P	00-10-081	182- 12-132	PREP	00-12-045
173-340-530	AMD-W	00-09-083	180- 52-041	NEW	00-03-046	182- 16	PREP	00-10-101
173-340-545	NEW-W	00-09-083	180- 56-230	PREP	00-07-046	182- 25-100	PREP	00-10-101
173-340-550	AMD-W	00-09-083	180- 56-230	AMD-P	00-10-020	182- 25-105	PREP	00-10-101
173-340-600	AMD-W	00-09-083	180- 57	PREP	00-12-016	182- 25-110	PREP	00-10-101
173-340-610	AMD-W	00-09-083	180- 57-070	PREP	00-07-016	192- 12-025	REP	00-05-064
173-340-700	AMD-W	00-09-083	180- 57-070	AMD-P	00-10-019	192- 12-072	REP	00-05-068
173-340-702	AMD-W	00-09-083	180- 77	PREP	00-11-082	192- 12-405	REP	00-05-069
173-340-704	AMD-W	00-09-083	180- 77A	PREP	00-11-082	192- 16-017	REP-E	00-05-063
173-340-705	AMD-W	00-09-083	180- 78A-010	AMD	00-03-049	192- 16-021	REP-W	00-08-076
173-340-706	AMD-W	00-09-083	180- 78A-100	AMD-P	00-05-082	192-150-005	NEW-E	00-05-063
173-340-708	AMD-W	00-09-083	180- 78A-100	AMD	00-09-049	192-150-085	NEW-E	00-05-063
173-340-709	NEW-W	00-09-083	180- 78A-209	AMD-P	00-05-079	192-170-050	NEW-W	00-08-076
173-340-710	AMD-W	00-09-083	180- 78A-209	AMD	00-09-046	192-170-060	NEW-W	00-08-076
173-340-720	AMD-W	00-09-083	180- 78A-500	PREP	00-05-078	192-270-005	NEW-E	00-05-063
173-340-730	AMD-W	00-09-083	180- 78A-500	AMD-P	00-10-083	192-270-010	NEW-E	00-05-063
173-340-740	AMD-W	00-09-083	180- 78A-505	AMD	00-03-049	192-270-015	NEW-E	00-05-063
173-340-745	AMD-W	00-09-083	180- 78A-510	AMD	00-03-049	192-270-020	NEW-E	00-05-063
173-340-747	NEW-W	00-09-083	180- 78A-515	AMD	00-03-049	192-270-025	NEW-E	00-05-063
173-340-7490	NEW-W	00-09-083	180- 78A-520	AMD	00-03-049	192-270-030	NEW-E	00-05-063
173-340-7491	NEW-W	00-09-083	180- 78A-525	AMD	00-03-049	192-270-035	NEW-E	00-05-063
173-340-7492	NEW-W	00-09-083	180- 78A-530	AMD	00-03-049	192-270-040	NEW-E	00-05-063
173-340-7493	NEW-W	00-09-083	180- 78A-535	AMD	00-03-049	192-270-045	NEW-E	00-05-063
173-340-7494	NEW-W	00-09-083	180- 78A-535	PREP	00-11-080	192-270-050	NEW-E	00-05-063
173-340-750	AMD-W	00-09-083	180- 78A-540	AMD	00-03-049	192-270-055	NEW-E	00-05-063
173-340-760	AMD-W	00-09-083	180- 79A	PREP	00-11-082	192-270-060	NEW-E	00-05-063
173-340-800	AMD-W	00-09-083	180- 79A-006	AMD	00-03-048	192-270-065	NEW-E	00-05-063
173-340-810	AMD-W	00-09-083	180- 79A-007	AMD	00-03-048	192-270-070	NEW-E	00-05-063
173-340-820	AMD-W	00-09-083	180- 79A-123	AMD-P	00-05-080	192-300-050	NEW	00-05-068
173-340-830	AMD-W	00-09-083	180- 79A-123	AMD	00-09-048	192-300-170	NEW	00-05-064
173-340-840	AMD-W	00-09-083	180- 79A-130	AMD	00-03-048	192-300-190	NEW	00-05-067
173-340-850	AMD-W	00-09-083	180- 79A-140	PREP	00-05-076	192-320-050	NEW	00-05-068
173-340-990	NEW-W	00-09-083	180- 79A-140	AMD-P	00-10-084	192-320-070	NEW	00-05-069
173-425	AMD	00-07-066	180- 79A-145	AMD	00-03-048	192-330-100	NEW	00-05-066
173-425-010	AMD	00-07-066	180- 79A-206	AMD	00-03-048	192-340-010	NEW	00-05-065
173-425-020	AMD	00-07-066	180- 79A-231	PREP	00-05-076	194- 20-010	AMD	00-08-039
173-425-030	AMD	00-07-066	180- 79A-231	AMD-P	00-10-084	194- 20-010	DECOD	00-08-039
173-425-040	AMD	00-07-066	180- 79A-250	AMD	00-03-048	194- 20-020	AMD	00-08-039
173-425-050	AMD	00-07-066	180- 79A-257	AMD	00-03-048	194- 20-020	DECOD	00-08-039
173-425-060	AMD	00-07-066	180- 79A-260	AMD	00-03-050	194- 20-030	AMD	00-08-039
173-425-070	AMD	00-07-066	180- 82	PREP	00-11-081	194- 20-030	DECOD	00-08-039
173-425-080	AMD	00-07-066	180- 82	PREP	00-11-082	194- 20-040	AMD	00-08-039
173-425-090	REP	00-07-066	180- 82-110	PREP	00-11-083	194- 20-040	DECOD	00-08-039
173-425-100	REP	00-07-066	180- 82-204	AMD-P	00-05-083	194- 20-050	AMD	00-08-039
173-425-110	REP	00-07-066	180- 82-204	AMD	00-09-047	194- 20-050	DECOD	00-08-039
180- 27-032	AMD	00-04-007	180- 82-311	NEW-P	00-05-083	194- 20-060	REP	00-08-039
180- 27-102	AMD-P	00-05-104	180- 82-311	NEW	00-09-047	194- 20-070	REP	00-08-039
180- 27-102	AMD	00-09-045	180- 82-313	NEW-P	00-05-083	194- 20-080	AMD	00-08-039
180- 29-068	NEW	00-04-008	180- 82-313	NEW	00-09-047	194- 20-080	DECOD	00-08-039
180- 29-085	AMD-P	00-10-060	180- 82-335	NEW-P	00-05-083	196- 31-010	NEW-P	00-04-059
180- 40-270	AMD	00-07-018	180- 82-335	NEW	00-09-047	196- 31-010	NEW	00-08-042
180- 40-285	AMD	00-07-018	180- 82-340	NEW-P	00-05-083	196- 31-020	NEW-P	00-04-059
180- 40-305	AMD	00-07-018	180- 82-340	NEW	00-09-047	196- 31-020	NEW	00-08-042
180- 40-315	AMD	00-07-018	180- 82-341	NEW-P	00-05-083	196- 31-030	NEW-P	00-04-059

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196- 31-030	NEW	00-08-042	210- 02-170	NEW-P	00-08-069	220- 33-04000I	REP-E	00-06-017
196- 31-040	NEW-P	00-04-059	210- 02-170	NEW	00-11-023	220- 33-04000J	NEW-E	00-06-017
196- 31-040	NEW	00-08-042	210- 02-180	NEW-P	00-08-069	220- 33-04000J	REP-E	00-06-017
196- 31-050	NEW-P	00-04-059	210- 02-180	NEW	00-11-023	220- 33-06000A	NEW-E	00-11-056
196- 31-050	NEW	00-08-042	210- 02-190	NEW-P	00-08-069	220- 44-02000A	NEW-E	00-11-056
196- 31-060	NEW-P	00-04-059	210- 02-190	NEW	00-11-023	220- 44-050	AMD-XA	00-10-038
196- 31-060	NEW	00-08-042	210- 02-200	NEW-P	00-08-069	220- 44-05000A	NEW-E	00-04-041
196- 31-070	NEW-P	00-04-059	210- 02-200	NEW	00-11-023	220- 44-05000Z	REP-E	00-04-041
196- 31-070	NEW	00-08-042	220- 16-257	AMD	00-08-038	220- 44-080	AMD-XA	00-10-038
197- 11	PREP	00-07-051	220- 16-345	AMD	00-08-038	220- 48-005	AMD-W	00-11-086
204- 24-030	PREP	00-08-111	220- 16-480	AMD-W	00-11-087	220- 48-015	AMD-W	00-11-086
204- 24-030	AMD-P	00-11-173	220- 16-590	AMD-P	00-06-083	220- 48-01500K	NEW-E	00-08-037
204- 24-050	AMD	00-03-081	220- 16-590	AMD-W	00-07-019	220- 48-016	AMD-W	00-11-086
204- 38-030	AMD	00-03-023	220- 16-590	AMD	00-08-038	220- 48-017	AMD-W	00-11-086
204- 38-040	AMD	00-03-023	220- 16-730	NEW	00-08-038	220- 48-019	AMD-W	00-11-086
204- 38-050	AMD	00-03-023	220- 16-740	NEW-P	00-06-083	220- 48-028	AMD-W	00-11-086
204- 96-010	AMD-E	00-10-059	220- 16-740	NEW-W	00-07-019	220- 48-029	AMD-W	00-11-086
204- 96-010	PREP	00-11-174	220- 16-740	NEW	00-08-038	220- 48-031	AMD-W	00-11-086
204- 97-010	NEW-W	00-12-028	220- 16-74000A	NEW-E	00-10-069	220- 48-032	AMD-W	00-11-086
204- 97-020	NEW-W	00-12-028	220- 16-750	NEW-P	00-06-083	220- 48-061	AMD-W	00-11-086
204- 97-030	NEW-W	00-12-028	220- 16-750	NEW-W	00-07-019	220- 48-071	AMD-W	00-11-086
204- 97-040	NEW-W	00-12-028	220- 16-750	NEW	00-08-038	220- 52-03000L	NEW-E	00-11-057
208-440	PREP	00-04-074	220- 16-75000A	NEW-E	00-10-069	220- 52-03000L	REP-E	00-11-057
208-440-010	PREP	00-04-074	220- 20-010	AMD	00-08-038	220- 52-040	AMD-W	00-08-077
208-440-020	PREP	00-04-074	220- 20-015	AMD-P	00-06-083	220- 52-04000Q	REP-E	00-04-084
208-440-040	PREP	00-04-074	220- 20-015	AMD-W	00-07-019	220- 52-04000R	NEW-E	00-04-084
208-440-050	PREP	00-04-074	220- 20-01500A	NEW-E	00-10-069	220- 52-04000R	REP-E	00-11-001
208-680	PREP	00-10-102	220- 20-020	AMD-P	00-06-083	220- 52-04000S	NEW-E	00-11-001
210- 01-120	AMD-P	00-03-040	220- 20-020	AMD-W	00-07-019	220- 52-04000S	REP-E	00-11-001
210- 01-120	AMD	00-07-003	220- 20-02000A	NEW-E	00-10-069	220- 52-04000T	NEW-E	00-12-025
210- 02-010	NEW-P	00-08-069	220- 20-025	AMD-P	00-06-083	220- 52-04000T	REP-E	00-12-025
210- 02-010	NEW	00-11-023	220- 20-025	AMD-W	00-07-019	220- 52-043	AMD-W	00-08-077
210- 02-020	NEW-P	00-08-069	220- 20-02500A	NEW-E	00-10-069	220- 52-04600A	NEW-E	00-11-001
210- 02-020	NEW	00-11-023	220- 24-02000L	NEW-E	00-10-067	220- 52-04600A	REP-E	00-11-001
210- 02-030	NEW-P	00-08-069	220- 24-02000L	REP-E	00-10-067	220- 52-04600B	NEW-E	00-12-025
210- 02-030	NEW	00-11-023	220- 32-05100R	NEW-E	00-04-071	220- 52-04600B	REP-E	00-12-025
210- 02-040	NEW-P	00-08-069	220- 32-05100R	REP-E	00-04-071	220- 52-04600U	NEW-E	00-04-084
210- 02-040	NEW	00-11-023	220- 32-05100R	REP-E	00-07-099	220- 52-04600U	REP-E	00-06-009
210- 02-050	NEW-P	00-08-069	220- 32-05500A	NEW-E	00-10-097	220- 52-04600U	REP-E	00-04-084
210- 02-050	NEW	00-11-023	220- 32-05500A	REP-E	00-10-097	220- 52-04600X	NEW-E	00-06-009
210- 02-060	NEW-P	00-08-069	220- 32-05500A	REP-E	00-11-030	220- 52-04600X	REP-E	00-08-037
210- 02-060	NEW	00-11-023	220- 32-05500B	NEW-E	00-11-030	220- 52-04600Y	NEW-E	00-08-037
210- 02-070	NEW-P	00-08-069	220- 32-05500B	REP-E	00-11-030	220- 52-04600Y	REP-E	00-08-037
210- 02-070	NEW	00-11-023	220- 32-05500B	REP-E	00-12-026	220- 52-04600Y	REP-E	00-08-044
210- 02-080	NEW-P	00-08-069	220- 32-05500C	NEW-E	00-12-026	220- 52-04600Z	NEW-E	00-08-044
210- 02-080	NEW	00-11-023	220- 32-05500C	REP-E	00-12-026	220- 52-04600Z	REP-E	00-08-044
210- 02-090	NEW-P	00-08-069	220- 32-05500Z	NEW-E	00-09-024	220- 52-05100A	NEW-E	00-09-055
210- 02-090	NEW	00-11-023	220- 32-05500Z	REP-E	00-09-024	220- 52-05100A	REP-E	00-10-051
210- 02-100	NEW-P	00-08-069	220- 32-05500Z	REP-E	00-10-097	220- 52-05100B	NEW-E	00-10-051
210- 02-100	NEW	00-11-023	220- 32-057	AMD-XA	00-12-052	220- 52-05100B	REP-E	00-12-015
210- 02-110	NEW-P	00-08-069	220- 32-05700E	NEW-E	00-07-109	220- 52-05100C	NEW-E	00-12-015
210- 02-110	NEW	00-11-023	220- 33-010	AMD-XA	00-12-052	220- 52-069	AMD-P	00-11-045
210- 02-120	NEW-P	00-08-069	220- 33-01000B	NEW-E	00-05-047	220- 52-06900A	NEW-E	00-04-015
210- 02-120	NEW	00-11-023	220- 33-01000B	REP-E	00-05-047	220- 52-06900A	REP-E	00-11-116
210- 02-130	NEW-P	00-08-069	220- 33-01000B	REP-E	00-06-011	220- 52-06900B	NEW-E	00-11-116
210- 02-130	NEW	00-11-023	220- 33-01000C	NEW-E	00-06-011	220- 52-071	AMD	00-03-042
210- 02-140	NEW-P	00-08-069	220- 33-01000C	REP-E	00-06-036	220- 52-073	AMD	00-03-042
210- 02-140	NEW	00-11-023	220- 33-01000D	NEW-E	00-06-036	220- 52-07300Q	REP-E	00-03-006
210- 02-150	NEW-P	00-08-069	220- 33-020	AMD-XA	00-12-052	220- 52-07300R	NEW-E	00-03-006
210- 02-150	NEW	00-11-023	220- 33-03000P	NEW-E	00-11-046	220- 52-07300R	REP-E	00-03-006
210- 02-160	NEW-P	00-08-069	220- 33-03000P	REP-E	00-11-046	220- 52-07300R	REP-E	00-03-044
210- 02-160	NEW	00-11-023	220- 33-040	AMD-XA	00-12-052	220- 52-07300S	NEW-E	00-03-044

TABLE

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 52-07300S	REP-E	00-03-044	220- 56-199	AMD-XA	00-11-179	220- 56-36000C	REP-E	00-09-001
220- 52-07300S	REP-E	00-04-013	220- 56-19900A	NEW-E	00-10-068	220- 56-36000D	NEW-E	00-09-054
220- 52-07300T	NEW-E	00-04-013	220- 56-205	AMD	00-08-038	220- 56-36000D	REP-E	00-09-054
220- 52-07300T	REP-E	00-05-041	220- 56-205	REP-XA	00-11-179	220- 56-36000E	NEW-E	00-10-049
220- 52-07300U	NEW-E	00-05-041	220- 56-235	AMD	00-08-038	220- 56-36000E	REP-E	00-10-049
220- 52-07300U	REP-E	00-06-044	220- 56-235	AMD-XA	00-10-038	220- 56-372	AMD	00-08-038
220- 52-07300V	NEW-E	00-06-044	220- 56-23500E	NEW-E	00-08-084	220- 56-380	AMD	00-08-038
220- 52-07300V	REP-E	00-06-044	220- 56-23500E	REP-E	00-10-012	220- 56-380	AMD-XA	00-11-179
220- 52-07300	NEW-E	00-07-064	220- 56-23500F	NEW-E	00-10-012	220- 56-38000X	NEW-E	00-08-045
220- 52-07300	REP-E	00-07-114	220- 56-240	AMD	00-08-038	220- 56-38000Y	NEW-E	00-10-068
220- 52-075	AMD	00-05-054	220- 56-24000C	NEW-E	00-10-050	220- 57-001	REP-XA	00-11-179
220- 52-07500A	NEW-E	00-10-051	220- 56-24000C	REP-E	00-10-050	220- 57-120	REP-XA	00-11-179
220- 55-005	AMD-P	00-06-084	220- 56-24000D	NEW-E	00-11-059	220- 57-125	REP-XA	00-11-179
220- 55-005	AMD	00-11-178	220- 56-250	AMD	00-08-038	220- 57-130	REP-XA	00-11-179
220- 55-010	AMD-P	00-06-084	220- 56-250	AMD-XA	00-10-038	220- 57-135	REP-XA	00-11-179
220- 55-010	AMD	00-11-178	220- 56-25000A	REP-E	00-08-084	220- 57-137	REP-XA	00-11-179
220- 55-015	AMD-P	00-06-084	220- 56-25000B	NEW-E	00-08-084	220- 57-13701	REP-XA	00-11-179
220- 55-015	AMD	00-11-178	220- 56-25500	NEW-E	00-10-070	220- 57-138	REP-XA	00-11-179
220- 55-070	AMD-P	00-06-084	220- 56-25500	REP-E	00-11-008	220- 57-140	REP-XA	00-11-179
220- 55-070	AMD	00-11-178	220- 56-25500N	NEW-E	00-11-008	220- 57-145	REP-XA	00-11-179
220- 55-105	AMD-P	00-06-084	220- 56-25500N	REP-E	00-12-014	220- 57-150	REP-XA	00-11-179
220- 55-105	AMD	00-11-178	220- 56-25500P	NEW-E	00-12-014	220- 57-155	REP-XA	00-11-179
220- 55-110	AMD-P	00-06-084	220- 56-25500P	REP-E	00-12-048	220- 57-160	AMD	00-08-038
220- 55-110	AMD	00-11-178	220- 56-25500Q	NEW-E	00-12-048	220- 57-160	REP-XA	00-11-179
220- 55-115	AMD-P	00-06-084	220- 56-27000G	NEW-E	00-06-017	220- 57-16000V	NEW-E	00-07-073
220- 55-115	AMD	00-11-178	220- 56-27000G	REP-E	00-06-017	220- 57-16000	NEW-E	00-08-006
220- 55-132	NEW-P	00-06-084	220- 56-280	AMD	00-08-038	220- 57-16000	REP-E	00-11-007
220- 55-132	NEW	00-11-178	220- 56-28500U	NEW-E	00-08-031	220- 57-16000X	NEW-E	00-11-007
220- 55-170	AMD-P	00-06-042	220- 56-28500U	REP-E	00-08-031	220- 57-16000X	REP-E	00-11-007
220- 55-170	AMD	00-11-177	220- 56-28500V	NEW-E	00-08-046	220- 57-165	REP-XA	00-11-179
220- 55-17000B	NEW-E	00-11-058	220- 56-295	AMD	00-08-038	220- 57-170	REP-XA	00-11-179
220- 55-180	AMD-P	00-06-043	220- 56-310	AMD	00-08-038	220- 57-17000U	NEW-E	00-07-002
220- 55-180	AMD	00-11-176	220- 56-315	AMD	00-08-038	220- 57-17000U	REP-E	00-11-118
220- 56-08500U	REP-E	00-08-046	220- 56-32500D	NEW-E	00-10-011	220- 57-175	REP-XA	00-11-179
220- 56-100	AMD-XA	00-11-179	220- 56-32500D	REP-E	00-10-011	220- 57-17500V	NEW-E	00-11-118
220- 56-103	AMD	00-08-038	220- 56-32500E	NEW-E	00-11-144	220- 57-17500V	REP-E	00-11-118
220- 56-103	REP-XA	00-11-179	220- 56-32500F	NEW-E	00-12-047	220- 57-180	REP-XA	00-11-179
220- 56-105	AMD	00-08-038	220- 56-32500F	REP-E	00-12-047	220- 57-181	REP-XA	00-11-179
220- 56-115	AMD-XA	00-11-179	220- 56-32500G	NEW-E	00-12-069	220- 57-185	REP-XA	00-11-179
220- 56-11500D	NEW-E	00-10-068	220- 56-32500G	REP-E	00-12-069	220- 57-187	REP-XA	00-11-179
220- 56-116	AMD-XA	00-11-179	220- 56-330	AMD	00-08-038	220- 57-18700D	NEW-E	00-07-002
220- 56-123	AMD-XA	00-11-179	220- 56-33000A	NEW-E	00-11-055	220- 57-190	REP-XA	00-11-179
220- 56-12300A	NEW-E	00-10-068	220- 56-33000A	REP-E	00-11-143	220- 57-195	REP-XA	00-11-179
220- 56-128	AMD-XA	00-11-179	220- 56-33000B	NEW-E	00-11-143	220- 57-200	REP-XA	00-11-179
220- 56-12800D	NEW-E	00-08-001	220- 56-33000V	REP-E	00-08-037	220- 57-205	REP-XA	00-11-179
220- 56-12800D	REP-E	00-08-001	220- 56-33000	NEW-E	00-06-009	220- 57-210	REP-XA	00-11-179
220- 56-12800E	NEW-E	00-10-068	220- 56-33000	REP-E	00-08-037	220- 57-215	REP-XA	00-11-179
220- 56-130	AMD	00-08-038	220- 56-33000X	NEW-E	00-07-098	220- 57-225	REP-XA	00-11-179
220- 56-145	AMD	00-08-038	220- 56-33000X	REP-E	00-11-055	220- 57-230	REP-XA	00-11-179
220- 56-175	AMD-P	00-06-084	220- 56-33000Y	NEW-E	00-08-037	220- 57-235	REP-XA	00-11-179
220- 56-175	AMD	00-08-038	220- 56-33000Y	REP-E	00-09-053	220- 57-240	REP-XA	00-11-179
220- 56-175	AMD	00-11-178	220- 56-33000Z	NEW-E	00-09-053	220- 57-245	REP-XA	00-11-179
220- 56-180	AMD-XA	00-11-179	220- 56-33000Z	REP-E	00-11-055	220- 57-250	REP-XA	00-11-179
220- 56-185	AMD	00-08-038	220- 56-335	AMD-W	00-11-087	220- 57-255	REP-XA	00-11-179
220- 56-190	AMD-XA	00-11-179	220- 56-350	AMD	00-08-038	220- 57-25500G	NEW-E	00-07-002
220- 56-190	DECOD-X	00-11-179	220- 56-350	AMD-XA	00-11-179	220- 57-260	REP-XA	00-11-179
220- 56-19000C	NEW-E	00-10-068	220- 56-35000F	NEW-E	00-08-045	220- 57-265	REP-XA	00-11-179
220- 56-191	AMD-XA	00-11-179	220- 56-35000G	NEW-E	00-10-068	220- 57-270	REP-XA	00-11-179
220- 56-191	DECOD-P	00-11-179	220- 56-36000A	REP-E	00-06-010	220- 57-275	REP-XA	00-11-179
220- 56-19100L	NEW-E	00-10-068	220- 56-36000B	NEW-E	00-06-010	220- 57-280	REP-XA	00-11-179
220- 56-195	AMD-XA	00-11-179	220- 56-36000B	REP-E	00-06-010	220- 57-285	REP-XA	00-11-179
220- 56-19500F	NEW-E	00-10-068	220- 56-36000C	NEW-E	00-09-001	220- 57-290	REP-XA	00-11-179

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 57-29000X	NEW-E	00-11-029	220- 57-490	REP-XA	00-11-179	220- 57A-185	REP-XA	00-11-179
220- 57-29000X	REP-E	00-11-029	220- 57-493	REP-XA	00-11-179	220- 57A-190	REP-XA	00-11-179
220- 57-295	REP-XA	00-11-179	220- 57-495	REP-XA	00-11-179	220- 69-236	AMD-P	00-06-084
220- 57-300	REP-XA	00-11-179	220- 57-497	REP-XA	00-11-179	220- 69-236	AMD	00-11-178
220- 57-305	REP-XA	00-11-179	220- 57-500	REP-XA	00-11-179	220- 69-24000P	NEW-E	00-10-051
220- 57-310	REP-XA	00-11-179	220- 57-502	REP-XA	00-11-179	220- 69-24000P	REP-E	00-12-015
220- 57-313	REP-XA	00-11-179	220- 57-505	REP-XA	00-11-179	220- 69-24000Q	NEW-E	00-12-015
220- 57-315	REP-XA	00-11-179	220- 57-50500G	NEW-E	00-08-022	220- 88B-04000	NEW-E	00-10-071
220- 57-31500J	NEW-E	00-08-022	220- 57-50500G	REP-E	00-12-041	220- 88B-05000	NEW-E	00-10-071
220- 57-31500J	REP-E	00-08-022	220- 57-50500H	NEW-E	00-12-041	220- 88B-05000	REP-E	00-10-071
220- 57-31500K	NEW-E	00-12-041	220- 57-50500H	REP-E	00-12-041	220- 88C-01000	NEW-E	00-11-056
220- 57-31500K	REP-E	00-12-041	220- 57-510	REP-XA	00-11-179	220- 88C-02000	NEW-E	00-11-056
220- 57-319	REP-XA	00-11-179	220- 57-515	REP-XA	00-11-179	220- 88C-03000	NEW-E	00-11-056
220- 57-31900A	NEW-E	00-12-013	220- 57-51500S	NEW-E	00-08-022	222- 08-035	AMD-E	00-06-026
220- 57-31900A	REP-E	00-12-013	220- 57-51500S	REP-E	00-08-022	222- 08-035	AMD-C	00-08-103
220- 57-31900Z	NEW-E	00-07-002	220- 57-51500S	REP-E	00-11-117	222- 10-010	AMD-E	00-06-026
220- 57-31900Z	REP-E	00-12-013	220- 57-51500T	NEW-E	00-11-117	222- 10-020	NEW-C	00-08-103
220- 57-321	REP-XA	00-11-179	220- 57-520	REP-XA	00-11-179	222- 10-030	NEW-E	00-06-026
220- 57-32100D	NEW-E	00-08-022	220- 57-525	REP-XA	00-11-179	222- 10-030	NEW-C	00-08-103
220- 57-32100D	REP-E	00-08-022	220- 57A-001	REP-XA	00-11-179	222- 10-035	NEW-E	00-06-026
220- 57-325	REP-XA	00-11-179	220- 57A-005	REP-XA	00-11-179	222- 12-010	AMD-E	00-06-026
220- 57-326	REP-XA	00-11-179	220- 57A-010	REP-XA	00-11-179	222- 12-020	AMD-P	00-08-104
220- 57-327	REP-XA	00-11-179	220- 57A-012	REP-XA	00-11-179	222- 12-020	AMD-E	00-12-093
220- 57-330	REP-XA	00-11-179	220- 57A-015	REP-XA	00-11-179	222- 12-041	NEW-E	00-06-026
220- 57-335	REP-XA	00-11-179	220- 57A-017	REP-XA	00-11-179	222- 12-044	NEW-E	00-06-026
220- 57-340	REP-XA	00-11-179	220- 57A-020	REP-XA	00-11-179	222- 12-044	NEW-C	00-08-103
220- 57-341	REP-XA	00-11-179	220- 57A-025	REP-XA	00-11-179	222- 12-045	AMD-E	00-06-026
220- 57-342	REP-XA	00-11-179	220- 57A-030	REP-XA	00-11-179	222- 12-045	AMD-C	00-08-103
220- 57-345	REP-XA	00-11-179	220- 57A-035	REP-XA	00-11-179	222- 12-090	AMD-E	00-06-026
220- 57-34500A	NEW-E	00-03-007	220- 57A-037	REP-XA	00-11-179	222- 12-090	AMD-C	00-08-103
220- 57-34500A	REP-E	00-03-007	220- 57A-040	REP-XA	00-11-179	222- 12-090	AMD-P	00-08-104
220- 57-350	REP-XA	00-11-179	220- 57A-045	REP-XA	00-11-179	222- 12-090	AMD-E	00-12-093
220- 57-355	REP-XA	00-11-179	220- 57A-050	REP-XA	00-11-179	222- 16-010	AMD-E	00-06-026
220- 57-365	REP-XA	00-11-179	220- 57A-055	REP-XA	00-11-179	222- 16-010	AMD-C	00-08-103
220- 57-370	REP-XA	00-11-179	220- 57A-065	REP-XA	00-11-179	222- 16-030	AMD-E	00-06-026
220- 57-375	REP-XA	00-11-179	220- 57A-070	REP-XA	00-11-179	222- 16-030	AMD-C	00-08-103
220- 57-380	REP-XA	00-11-179	220- 57A-075	REP-XA	00-11-179	222- 16-035	AMD-E	00-06-026
220- 57-385	REP-XA	00-11-179	220- 57A-080	REP-XA	00-11-179	222- 16-036	NEW-E	00-06-026
220- 57-390	REP-XA	00-11-179	220- 57A-082	REP-XA	00-11-179	222- 16-050	AMD-E	00-06-026
220- 57-395	REP-XA	00-11-179	220- 57A-085	REP-XA	00-11-179	222- 16-050	AMD-C	00-08-103
220- 57-400	REP-XA	00-11-179	220- 57A-090	REP-XA	00-11-179	222- 16-080	AMD-E	00-06-026
220- 57-405	REP-XA	00-11-179	220- 57A-095	REP-XA	00-11-179	222- 20-010	AMD-E	00-06-026
220- 57-410	REP-XA	00-11-179	220- 57A-100	REP-XA	00-11-179	222- 20-010	AMD-C	00-08-103
220- 57-415	REP-XA	00-11-179	220- 57A-105	REP-XA	00-11-179	222- 20-015	NEW-E	00-06-026
220- 57-420	REP-XA	00-11-179	220- 57A-110	REP-XA	00-11-179	222- 20-015	NEW-C	00-08-103
220- 57-425	REP-XA	00-11-179	220- 57A-112	REP-XA	00-11-179	222- 20-020	AMD-E	00-06-026
220- 57-427	REP-XA	00-11-179	220- 57A-115	REP-XA	00-11-179	222- 20-020	AMD-C	00-08-103
220- 57-430	REP-XA	00-11-179	220- 57A-120	REP-XA	00-11-179	222- 20-055	NEW-E	00-06-026
220- 57-432	REP-XA	00-11-179	220- 57A-125	REP-XA	00-11-179	222- 20-070	AMD-C	00-08-103
220- 57-435	REP-XA	00-11-179	220- 57A-130	REP-XA	00-11-179	222- 20-080	AMD-E	00-06-026
220- 57-440	REP-XA	00-11-179	220- 57A-135	REP-XA	00-11-179	222- 21-005	NEW-P	00-08-104
220- 57-445	REP-XA	00-11-179	220- 57A-140	REP-XA	00-11-179	222- 21-005	NEW-E	00-12-093
220- 57-450	REP-XA	00-11-179	220- 57A-145	REP-XA	00-11-179	222- 21-010	NEW-P	00-08-104
220- 57-455	REP-XA	00-11-179	220- 57A-150	REP-XA	00-11-179	222- 21-010	NEW-E	00-12-093
220- 57-460	REP-XA	00-11-179	220- 57A-152	REP-XA	00-11-179	222- 21-020	NEW-P	00-08-104
220- 57-462	REP-XA	00-11-179	220- 57A-155	REP-XA	00-11-179	222- 21-020	NEW-E	00-12-093
220- 57-465	REP-XA	00-11-179	220- 57A-160	REP-XA	00-11-179	222- 21-030	NEW-P	00-08-104
220- 57-470	REP-XA	00-11-179	220- 57A-165	REP-XA	00-11-179	222- 21-030	NEW-E	00-12-093
220- 57-473	REP-XA	00-11-179	220- 57A-170	REP-XA	00-11-179	222- 21-035	NEW-P	00-08-104
220- 57-475	REP-XA	00-11-179	220- 57A-175	REP-XA	00-11-179	222- 21-035	NEW-E	00-12-093
220- 57-480	REP-XA	00-11-179	220- 57A-180	REP-XA	00-11-179	222- 21-040	NEW-P	00-08-104
220- 57-485	REP-XA	00-11-179	220- 57A-183	REP-XA	00-11-179	222- 21-040	NEW-E	00-12-093

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
222- 21-045	NEW-P	00-08-104	222- 38-010	AMD-E	00-06-026	230- 08-100	REP	00-07-140
222- 21-045	NEW-E	00-12-093	222- 38-020	AMD-E	00-06-026	230- 08-105	AMD-P	00-04-099
222- 21-050	NEW-P	00-08-104	222- 38-020	AMD-C	00-08-103	230- 08-105	AMD	00-07-140
222- 21-050	NEW-E	00-12-093	222- 38-030	AMD-E	00-06-026	230- 08-160	AMD-P	00-05-101
222- 21-060	NEW-P	00-08-104	222- 38-030	AMD-C	00-08-103	230- 08-160	AMD	00-09-052
222- 21-060	NEW-E	00-12-093	222- 38-040	AMD-E	00-06-026	230- 12-050	AMD-P	00-04-099
222- 21-065	NEW-P	00-08-104	222- 46-012	NEW-E	00-06-026	230- 12-050	AMD-P	00-05-101
222- 21-065	NEW-E	00-12-093	222- 46-055	NEW-C	00-08-103	230- 12-050	AMD	00-07-140
222- 21-070	NEW-P	00-08-104	222- 46-060	AMD-E	00-06-026	230- 12-050	AMD	00-09-052
222- 21-070	NEW-E	00-12-093	222- 46-060	AMD-C	00-08-103	230- 12-072	NEW-P	00-05-101
222- 21-080	NEW-P	00-08-104	222- 46-065	AMD-C	00-08-103	230- 12-072	NEW	00-09-052
222- 21-080	NEW-E	00-12-093	222- 46-070	AMD-E	00-06-026	230- 12-073	NEW-P	00-05-101
222- 21-090	NEW-P	00-08-104	224- 12	PREP	00-11-181	230- 12-073	NEW	00-09-052
222- 21-090	NEW-E	00-12-093	230- 02-108	AMD-P	00-04-099	230- 12-074	NEW-P	00-11-113
222- 22-010	AMD-C	00-08-103	230- 02-108	AMD	00-07-140	230- 12-078	AMD-P	00-04-099
222- 22-030	AMD-C	00-08-103	230- 02-109	NEW-P	00-05-101	230- 12-078	AMD	00-07-140
222- 22-035	NEW-C	00-08-103	230- 02-109	NEW	00-09-052	230- 12-310	AMD-P	00-05-103
222- 22-040	AMD-C	00-08-103	230- 02-110	AMD-P	00-05-101	230- 12-310	AMD	00-09-051
222- 22-050	AMD-C	00-08-103	230- 02-110	AMD	00-09-052	230- 12-335	NEW-P	00-11-114
222- 22-060	AMD-C	00-08-103	230- 02-123	AMD-P	00-04-099	230- 20-110	REP-P	00-04-099
222- 22-065	NEW-C	00-08-103	230- 02-123	AMD	00-07-140	230- 20-110	REP	00-07-140
222- 22-070	AMD-E	00-06-026	230- 02-183	AMD-P	00-04-099	230- 20-120	REP-P	00-04-099
222- 22-070	AMD-C	00-08-103	230- 02-183	AMD	00-07-140	230- 20-120	REP	00-07-140
222- 22-075	NEW-E	00-06-026	230- 02-205	AMD	00-05-102	230- 20-220	AMD-P	00-04-099
222- 22-075	NEW-C	00-08-103	230- 02-206	AMD	00-05-102	230- 20-220	AMD	00-07-140
222- 22-076	NEW-E	00-06-026	230- 02-380	AMD-W	00-02-067	230- 20-243	AMD-P	00-04-099
222- 22-076	NEW-C	00-08-103	230- 02-400	REP-P	00-05-101	230- 20-243	AMD	00-07-140
222- 22-080	AMD-E	00-06-026	230- 02-400	REP	00-09-052	230- 20-244	AMD-P	00-04-099
222- 22-090	AMD-E	00-06-026	230- 02-412	NEW-P	00-11-114	230- 20-244	AMD	00-07-140
222- 22-090	AMD-C	00-08-103	230- 02-415	AMD-P	00-05-101	230- 25-030	AMD-P	00-12-097
222- 24-010	AMD-E	00-06-026	230- 02-415	AMD	00-09-052	230- 25-040	AMD-P	00-12-097
222- 24-010	AMD-C	00-08-103	230- 02-425	REP-P	00-05-101	230- 25-070	AMD-P	00-12-097
222- 24-015	NEW-E	00-06-026	230- 02-425	REP	00-09-052	230- 25-100	AMD-P	00-12-097
222- 24-020	AMD-E	00-06-026	230- 02-504	NEW-P	00-12-097	230- 25-110	AMD-P	00-12-097
222- 24-020	AMD-C	00-08-103	230- 04-022	AMD-P	00-05-101	230- 25-120	AMD-P	00-12-097
222- 24-025	REP-E	00-06-026	230- 04-022	AMD	00-09-052	230- 25-150	AMD-P	00-12-097
222- 24-026	NEW-E	00-06-026	230- 04-110	AMD-P	00-11-114	230- 25-200	AMD-P	00-12-097
222- 24-030	AMD-E	00-06-026	230- 04-115	AMD-P	00-11-114	230- 25-220	AMD-P	00-12-097
222- 24-030	AMD-C	00-08-103	230- 04-119	AMD	00-05-102	230- 25-310	AMD-P	00-12-097
222- 24-035	AMD-E	00-06-026	230- 04-120	AMD-P	00-11-114	230- 25-315	AMD-P	00-12-097
222- 24-035	AMD-C	00-08-103	230- 04-124	AMD-P	00-11-114	230- 25-325	NEW-P	00-12-097
222- 24-040	AMD-E	00-06-026	230- 04-140	AMD-P	00-05-101	230- 30-212	REP-P	00-11-114
222- 24-040	AMD-C	00-08-103	230- 04-140	AMD	00-09-052	230- 30-213	REP-P	00-11-114
222- 24-050	AMD-E	00-06-026	230- 04-142	REP-P	00-05-101	230- 40-010	AMD-P	00-05-101
222- 24-050	AMD-C	00-08-103	230- 04-203	AMD-P	00-05-101	230- 40-010	AMD	00-09-052
222- 24-051	NEW-E	00-06-026	230- 04-203	AMD-P	00-11-114	230- 40-015	REP-P	00-05-101
222- 24-052	NEW-E	00-06-026	230- 04-204	AMD-P	00-05-101	230- 40-015	REP	00-09-052
222- 24-060	AMD-E	00-06-026	230- 04-207	NEW-P	00-05-101	230- 40-030	AMD-P	00-05-101
222- 24-060	AMD-C	00-08-103	230- 04-207	NEW	00-09-052	230- 40-030	AMD	00-09-052
222- 30-010	AMD-E	00-06-026	230- 04-255	AMD-P	00-05-101	230- 40-040	NEW-P	00-05-101
222- 30-010	AMD-C	00-08-103	230- 04-255	AMD	00-09-052	230- 40-040	NEW	00-09-052
222- 30-020	AMD-E	00-06-026	230- 04-450	AMD-P	00-05-101	230- 40-050	AMD-P	00-05-101
222- 30-020	AMD-C	00-08-103	230- 04-450	AMD	00-09-052	230- 40-050	AMD	00-09-052
222- 30-021	NEW-E	00-06-026	230- 08-027	NEW-P	00-05-101	230- 40-055	AMD-P	00-07-139
222- 30-022	NEW-E	00-06-026	230- 08-027	NEW	00-09-052	230- 40-055	AMD	00-11-054
222- 30-023	NEW-E	00-06-026	230- 08-040	AMD-P	00-05-101	230- 40-060	REP-P	00-05-101
222- 30-040	AMD-E	00-06-026	230- 08-040	AMD	00-09-052	230- 40-060	REP	00-09-052
222- 30-045	NEW-E	00-06-026	230- 08-080	AMD-P	00-04-099	230- 40-070	AMD-P	00-05-101
222- 30-060	AMD-E	00-06-026	230- 08-080	AMD	00-07-140	230- 40-070	AMD	00-09-052
222- 30-070	AMD-E	00-06-026	230- 08-090	AMD-P	00-05-101	230- 40-120	AMD-P	00-05-101
222- 30-070	AMD-C	00-08-103	230- 08-090	AMD	00-09-052	230- 40-120	AMD	00-09-052
222- 30-070	AMD-E	00-12-093	230- 08-100	REP-P	00-04-099	230- 40-125	REP-P	00-05-101

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230- 40-125	AMD	00-09-052	230- 40-855	NEW-P	00-05-101	232- 28-02205	AMD	00-04-017
230- 40-125	AMD	00-09-087	230- 40-855	NEW	00-09-052	232- 28-02206	AMD	00-04-017
230- 40-130	AMD-P	00-05-101	230- 40-860	NEW-P	00-05-101	232- 28-02220	AMD	00-04-017
230- 40-130	AMD	00-09-052	230- 40-860	NEW	00-09-052	232- 28-02240	AMD	00-04-017
230- 40-150	REP-P	00-05-101	230- 40-865	NEW-P	00-05-101	232- 28-24102	REP	00-04-017
230- 40-150	REP	00-09-052	230- 40-865	NEW	00-09-052	232- 28-248	AMD-P	00-06-095
230- 40-160	REP-P	00-05-101	230- 40-870	NEW-P	00-05-101	232- 28-248	AMD	00-11-137
230- 40-160	REP	00-09-052	230- 40-870	NEW	00-09-052	232- 28-255	REP	00-04-017
230- 40-200	AMD-P	00-05-101	230- 40-875	NEW-P	00-05-101	232- 28-26000A	NEW-E	00-03-025
230- 40-200	AMD	00-09-052	230- 40-875	NEW	00-09-052	232- 28-261	REP	00-04-017
230- 40-225	AMD-P	00-05-101	230- 40-880	NEW-P	00-05-101	232- 28-262	REP	00-04-017
230- 40-225	AMD	00-09-052	230- 40-880	NEW	00-09-052	232- 28-263	REP	00-04-017
230- 40-400	AMD-P	00-05-101	230- 40-885	NEW-P	00-05-101	232- 28-266	AMD-P	00-06-096
230- 40-400	AMD	00-09-052	230- 40-885	NEW	00-09-052	232- 28-266	AMD	00-11-137
230- 40-550	NEW-P	00-05-101	230- 40-890	NEW-P	00-05-101	232- 28-269	REP	00-04-017
230- 40-550	NEW	00-09-052	230- 40-890	NEW	00-09-052	232- 28-270	REP	00-04-017
230- 40-552	NEW-P	00-05-101	230- 40-895	NEW-P	00-05-101	232- 28-271	AMD	00-04-017
230- 40-552	NEW	00-09-052	230- 40-895	NEW	00-09-052	232- 28-272	AMD-P	00-06-099
230- 40-554	NEW-P	00-05-101	230- 40-897	NEW-P	00-05-101	232- 28-272	AMD	00-11-137
230- 40-554	NEW	00-09-052	230- 40-897	NEW	00-09-052	232- 28-273	AMD-P	00-06-092
230- 40-556	NEW-P	00-05-101	230- 40-900	REP-P	00-05-101	232- 28-273	AMD	00-11-137
230- 40-556	NEW	00-09-052	230- 40-900	REP	00-09-052	232- 28-275	AMD	00-04-017
230- 40-558	NEW-P	00-05-101	230- 46-020	AMD-W	00-07-070	232- 28-276	NEW-P	00-06-086
230- 40-558	NEW	00-09-052	230- 46-035	NEW-W	00-07-070	232- 28-276	NEW	00-11-137
230- 40-560	NEW-P	00-05-101	230- 50-010	AMD-P	00-05-101	232- 28-277	NEW	00-04-017
230- 40-560	NEW	00-09-052	230- 50-010	AMD	00-09-052	232- 28-278	NEW-P	00-06-087
230- 40-562	NEW-P	00-05-101	232- 12-001	AMD-XA	00-11-179	232- 28-278	NEW	00-11-137
230- 40-562	NEW	00-09-052	232- 12-011	AMD	00-04-017	232- 28-279	NEW-P	00-06-085
230- 40-600	NEW-P	00-05-101	232- 12-011	AMD-P	00-06-083	232- 28-279	NEW	00-11-137
230- 40-600	NEW	00-09-052	232- 12-011	AMD-P	00-06-100	232- 28-619	AMD	00-08-038
230- 40-610	NEW-P	00-05-101	232- 12-011	AMD-W	00-07-019	232- 28-619	AMD-XA	00-11-179
230- 40-610	NEW	00-09-052	232- 12-011	AMD	00-10-001	232- 28-61900D	NEW-E	00-03-041
230- 40-615	NEW-P	00-05-101	232- 12-01100A	NEW-E	00-10-069	232- 28-61900D	REP-E	00-03-041
230- 40-615	NEW	00-09-052	232- 12-014	AMD	00-04-017	232- 28-61900D	REP-E	00-03-055
230- 40-800	NEW-P	00-05-101	232- 12-018	REP	00-08-038	232- 28-61900E	NEW-E	00-03-055
230- 40-800	NEW	00-09-052	232- 12-047	AMD-P	00-06-088	232- 28-61900E	REP-E	00-03-055
230- 40-803	NEW-P	00-05-101	232- 12-047	AMD	00-11-137	232- 28-61900E	REP-E	00-05-085
230- 40-803	NEW	00-09-052	232- 12-051	AMD-P	00-06-089	232- 28-61900F	NEW-E	00-05-085
230- 40-805	NEW-P	00-05-101	232- 12-051	AMD	00-11-137	232- 28-61900F	REP-E	00-05-085
230- 40-805	NEW	00-09-052	232- 12-054	AMD-P	00-06-090	232- 28-61900G	NEW-E	00-06-008
230- 40-810	NEW-P	00-05-101	232- 12-054	AMD	00-11-137	232- 28-61900H	NEW-E	00-07-001
230- 40-810	NEW	00-09-052	232- 12-068	AMD-P	00-06-091	232- 28-61900I	NEW-E	00-07-073
230- 40-815	NEW-P	00-05-101	232- 12-068	AMD	00-11-137	232- 28-61900I	REP-E	00-07-073
230- 40-815	NEW	00-09-052	232- 12-161	REP-XR	00-08-027	232- 28-61900J	NEW-E	00-08-006
230- 40-820	NEW-P	00-05-101	232- 12-168	AMD	00-08-038	232- 28-61900J	REP-E	00-11-007
230- 40-820	NEW	00-09-052	232- 12-257	AMD-W	00-02-066	232- 28-61900K	NEW-E	00-08-001
230- 40-823	NEW-P	00-05-101	232- 12-257	AMD-P	00-06-094	232- 28-61900K	REP-E	00-08-001
230- 40-823	NEW	00-09-052	232- 12-257	AMD	00-11-137	232- 28-61900L	NEW-E	00-12-041
230- 40-825	NEW-P	00-05-101	232- 12-31500G	NEW-E	00-04-014	232- 28-61900L	REP-E	00-12-041
230- 40-825	NEW	00-09-052	232- 12-619	AMD	00-08-038	232- 28-620	RECOD-X	00-11-179
230- 40-830	NEW-P	00-05-101	232- 12-619	AMD-XA	00-11-179	232- 28-621	RECOD-X	00-11-179
230- 40-830	NEW	00-09-052	232- 12-61900L	NEW-E	00-10-068	236- 18-040	AMD	00-06-052
230- 40-833	NEW-P	00-05-101	232- 12-61900	NEW-E	00-11-002	236- 18-070	AMD	00-06-052
230- 40-833	NEW	00-09-052	232- 12-61900	REP-E	00-11-002	236- 18-080	AMD	00-06-052
230- 40-835	NEW-P	00-05-101	232- 16-700	AMD-P	00-06-093	236- 70-040	AMD	00-08-040
230- 40-835	NEW	00-09-052	232- 16-700	AMD	00-11-137	236- 70-050	AMD	00-08-040
230- 40-840	NEW-P	00-05-101	232- 28-02201	AMD	00-04-017	236- 70-060	AMD	00-08-040
230- 40-840	NEW	00-09-052	232- 28-02202	AMD	00-04-017	236- 70-080	AMD	00-08-040
230- 40-845	NEW-P	00-05-101	232- 28-02202	AMD-P	00-06-097	236-200-010	RECOD	00-08-039
230- 40-845	NEW	00-09-052	232- 28-02202	AMD	00-11-137	236-200-020	RECOD	00-08-039
230- 40-850	NEW-P	00-05-101	232- 28-02203	AMD	00-04-017	236-200-030	RECOD	00-08-039
230- 40-850	NEW	00-09-052	232- 28-02204	AMD	00-04-017	236-200-040	RECOD	00-08-039

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236-200-050	RECOD	00-08-039	246-101-120	NEW-P	00-12-101	246-243-042	NEW-P	00-04-088
236-200-060	RECOD	00-08-039	246-101-201	NEW-P	00-12-101	246-243-042	NEW	00-08-013
242- 02-052	AMD-P	00-05-021	246-101-205	NEW-P	00-12-101	246-243-044	NEW-P	00-04-088
242- 02-052	AMD	00-09-094	246-101-210	NEW-P	00-12-101	246-243-044	NEW	00-08-013
242- 02-255	NEW-P	00-05-021	246-101-215	NEW-P	00-12-101	246-243-047	NEW-P	00-04-088
242- 02-255	NEW	00-09-094	246-101-220	NEW-P	00-12-101	246-243-047	NEW	00-08-013
242- 02-522	AMD-P	00-05-021	246-101-225	NEW-P	00-12-101	246-243-050	AMD-P	00-04-088
242- 02-522	AMD	00-09-094	246-101-230	NEW-P	00-12-101	246-243-050	AMD	00-08-013
242- 02-832	AMD-P	00-05-021	246-101-301	NEW-P	00-12-101	246-243-060	AMD-P	00-04-088
242- 02-832	AMD	00-09-094	246-101-305	NEW-P	00-12-101	246-243-060	AMD	00-08-013
242- 02-834	AMD-P	00-05-021	246-101-310	NEW-P	00-12-101	246-243-080	AMD-P	00-04-088
242- 02-834	AMD	00-09-094	246-101-315	NEW-P	00-12-101	246-243-080	AMD	00-08-013
242- 04-030	AMD-P	00-05-021	246-101-320	NEW-P	00-12-101	246-243-090	AMD-P	00-04-088
242- 04-030	AMD	00-09-094	246-101-401	NEW-P	00-12-101	246-243-090	AMD	00-08-013
242- 04-050	AMD-P	00-05-021	246-101-405	NEW-P	00-12-101	246-243-100	AMD-P	00-04-088
242- 04-050	AMD	00-09-094	246-101-410	NEW-P	00-12-101	246-243-100	AMD	00-08-013
246- 14-010	NEW	00-10-114	246-101-415	NEW-P	00-12-101	246-243-110	AMD-P	00-04-088
246- 14-020	NEW	00-10-114	246-101-420	NEW-P	00-12-101	246-243-110	AMD	00-08-013
246- 14-030	NEW	00-10-114	246-101-425	NEW-P	00-12-101	246-243-120	AMD-P	00-04-088
246- 14-040	NEW	00-10-114	246-101-501	NEW-P	00-12-101	246-243-120	AMD	00-08-013
246- 14-050	NEW	00-10-114	246-101-505	NEW-P	00-12-101	246-243-130	AMD-P	00-04-088
246- 14-060	NEW	00-10-114	246-101-510	NEW-P	00-12-101	246-243-130	AMD	00-08-013
246- 14-070	NEW	00-10-114	246-101-515	NEW-P	00-12-101	246-243-140	AMD-P	00-04-088
246- 14-080	NEW	00-10-114	246-101-520	NEW-P	00-12-101	246-243-140	AMD	00-08-013
246- 14-090	NEW	00-10-114	246-101-525	NEW-P	00-12-101	246-243-141	NEW-P	00-04-088
246- 14-100	NEW	00-10-114	246-101-601	NEW-P	00-12-101	246-243-141	NEW	00-08-013
246- 14-110	NEW	00-10-114	246-101-605	NEW-P	00-12-101	246-243-150	AMD-P	00-04-088
246- 14-120	NEW	00-10-114	246-101-610	NEW-P	00-12-101	246-243-150	AMD	00-08-013
246-100-011	AMD-P	00-12-101	246-101-615	NEW-P	00-12-101	246-243-160	AMD-P	00-04-088
246-100-016	REP-P	00-12-101	246-101-620	NEW-P	00-12-101	246-243-160	AMD	00-08-013
246-100-021	AMD-P	00-12-101	246-101-625	NEW-P	00-12-101	246-243-170	AMD-P	00-04-088
246-100-026	REP-P	00-12-101	246-101-630	NEW-P	00-12-101	246-243-170	AMD	00-08-013
246-100-031	REP-P	00-12-101	246-101-635	NEW-P	00-12-101	246-243-180	AMD-P	00-04-088
246-100-036	AMD-P	00-12-101	246-101-640	NEW-P	00-12-101	246-243-180	AMD	00-08-013
246-100-041	REP-P	00-12-101	246-101-701	NEW-P	00-12-101	246-243-190	AMD-P	00-04-088
246-100-042	REP-P	00-12-101	246-101-705	NEW-P	00-12-101	246-243-190	AMD	00-08-013
246-100-043	REP-P	00-12-101	246-101-710	NEW-P	00-12-101	246-243-195	AMD-P	00-04-088
246-100-046	REP-P	00-12-101	246-101-715	NEW-P	00-12-101	246-243-195	AMD	00-08-013
246-100-071	REP-P	00-12-101	246-101-720	NEW-P	00-12-101	246-243-200	AMD-P	00-04-088
246-100-076	REP-P	00-12-101	246-101-725	NEW-P	00-12-101	246-243-200	AMD	00-08-013
246-100-081	REP-P	00-12-101	246-101-730	NEW-P	00-12-101	246-243-203	NEW-P	00-04-088
246-100-086	REP-P	00-12-101	246-220-007	AMD-P	00-04-088	246-243-203	NEW	00-08-013
246-100-091	REP-P	00-12-101	246-220-007	AMD	00-08-013	246-243-210	REP-P	00-04-088
246-100-171	REP-P	00-12-101	246-220-010	AMD-P	00-04-088	246-243-210	REP	00-08-013
246-100-176	REP-P	00-12-101	246-220-010	AMD	00-08-013	246-243-220	AMD-P	00-04-088
246-100-181	REP-P	00-12-101	246-221-020	AMD-P	00-04-088	246-243-220	AMD	00-08-013
246-100-196	REP-P	00-12-101	246-221-020	AMD	00-08-013	246-243-230	AMD-P	00-04-088
246-100-201	AMD-P	00-12-101	246-221-270	AMD	00-07-085	246-243-230	AMD	00-08-013
246-100-216	REP-P	00-12-101	246-232-060	AMD	00-07-085	246-243-250	NEW-P	00-04-088
246-100-217	REP-P	00-12-101	246-235-075	AMD	00-07-085	246-243-250	NEW	00-08-013
246-100-218	REP-P	00-12-101	246-235-080	AMD-P	00-04-088	246-246-001	NEW	00-07-085
246-100-231	REP-P	00-12-101	246-235-080	AMD	00-08-013	246-246-010	NEW	00-07-085
246-100-236	REP-P	00-12-101	246-235-084	NEW-P	00-04-088	246-246-020	NEW	00-07-085
246-100-241	REP-P	00-12-101	246-235-084	NEW	00-08-013	246-246-030	NEW	00-07-085
246-101-001	NEW-P	00-12-101	246-235-086	NEW-P	00-04-088	246-246-040	NEW	00-07-085
246-101-005	NEW-P	00-12-101	246-235-086	NEW	00-08-013	246-246-050	NEW	00-07-085
246-101-010	NEW-P	00-12-101	246-235-090	AMD-P	00-04-088	246-246-060	NEW	00-07-085
246-101-015	NEW-P	00-12-101	246-235-090	AMD	00-08-013	246-252-001	AMD-P	00-04-088
246-101-101	NEW-P	00-12-101	246-243-020	AMD-P	00-04-088	246-252-001	AMD	00-08-013
246-101-105	NEW-P	00-12-101	246-243-030	AMD-P	00-04-088	246-252-030	AMD-P	00-04-088
246-101-110	NEW-P	00-12-101	246-243-030	AMD	00-08-013	246-252-030	AMD	00-08-013
246-101-115	NEW-P	00-12-101	246-243-030	AMD	00-08-013	246-254-150	AMD-P	00-04-088

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246-254-150	AMD	00-08-013	246-358-090	AMD	00-06-082	246-562-060	AMD-P	00-11-165
246-290-72001	NEW-P	00-11-164	246-358-095	AMD	00-06-082	246-562-080	AMD-P	00-11-165
246-290-72002	NEW-P	00-11-164	246-358-100	AMD	00-06-082	246-562-110	AMD-P	00-11-165
246-290-72003	NEW-P	00-11-164	246-358-125	AMD	00-06-082	246-562-120	AMD-P	00-11-165
246-290-72004	NEW-P	00-11-164	246-358-135	AMD	00-06-082	246-562-140	AMD-P	00-11-165
246-290-72005	NEW-P	00-11-164	246-358-140	REP	00-06-082	246-562-150	AMD-P	00-11-165
246-290-72006	NEW-P	00-11-164	246-358-145	AMD	00-06-082	246-562-160	NEW-P	00-11-165
246-290-72007	NEW-P	00-11-164	246-358-155	AMD	00-06-082	246-780-001	AMD-P	00-03-074
246-290-72008	NEW-P	00-11-164	246-358-165	AMD	00-06-082	246-780-001	AMD	00-07-129
246-290-72009	NEW-P	00-11-164	246-358-175	AMD	00-06-082	246-780-010	AMD-P	00-03-074
246-290-72010	NEW-P	00-11-164	246-358-600	REP	00-06-082	246-780-010	AMD	00-07-129
246-290-72011	NEW-P	00-11-164	246-358-610	REP	00-06-082	246-780-020	AMD-P	00-03-074
246-290-72012	NEW-P	00-11-164	246-358-620	REP	00-06-082	246-780-020	AMD	00-07-129
246-292	PREP	00-10-112	246-358-630	REP	00-06-082	246-780-022	NEW-P	00-03-074
246-323	PREP	00-05-097	246-358-640	REP	00-06-082	246-780-022	NEW	00-07-129
246-325	PREP	00-05-097	246-358-650	REP	00-06-082	246-780-025	NEW-P	00-03-074
246-326	PREP	00-05-097	246-358-660	REP	00-06-082	246-780-025	NEW	00-07-129
246-338-001	AMD-P	00-03-073	246-358-670	REP	00-06-082	246-780-028	NEW-P	00-03-074
246-338-001	AMD	00-06-079	246-358-680	REP	00-06-082	246-780-028	NEW	00-07-129
246-338-010	AMD-P	00-03-073	246-361-001	NEW	00-06-082	246-780-030	AMD-P	00-03-074
246-338-010	AMD	00-06-079	246-361-010	NEW	00-06-082	246-780-030	AMD	00-07-129
246-338-020	AMD-P	00-03-073	246-361-020	NEW	00-06-082	246-780-040	AMD-P	00-03-074
246-338-020	AMD	00-06-079	246-361-025	NEW	00-06-082	246-780-040	AMD	00-07-129
246-338-022	NEW-P	00-03-073	246-361-030	NEW	00-06-082	246-780-050	REP-P	00-03-074
246-338-022	NEW	00-06-079	246-361-035	NEW	00-06-082	246-780-050	REP	00-07-129
246-338-024	NEW-P	00-03-073	246-361-045	NEW	00-06-082	246-780-060	AMD-P	00-03-074
246-338-024	NEW	00-06-079	246-361-055	NEW	00-06-082	246-780-060	AMD	00-07-129
246-338-026	NEW-P	00-03-073	246-361-065	NEW	00-06-082	246-780-070	REP-P	00-03-074
246-338-026	NEW	00-06-079	246-361-070	NEW	00-06-082	246-780-070	REP	00-07-129
246-338-028	NEW-P	00-03-073	246-361-075	NEW	00-06-082	246-790	AMD-P	00-07-084
246-338-028	NEW	00-06-079	246-361-080	NEW	00-06-082	246-790-010	AMD-P	00-07-084
246-338-030	REP-P	00-03-073	246-361-090	NEW	00-06-082	246-790-050	AMD-P	00-07-084
246-338-030	REP	00-06-079	246-361-095	NEW	00-06-082	246-790-060	AMD-P	00-07-084
246-338-040	AMD-P	00-03-073	246-361-100	NEW	00-06-082	246-790-065	NEW-P	00-07-084
246-338-040	AMD	00-06-079	246-361-125	NEW	00-06-082	246-790-070	AMD-P	00-07-084
246-338-050	AMD-P	00-03-073	246-361-135	NEW	00-06-082	246-790-080	AMD-P	00-07-084
246-338-050	AMD	00-06-079	246-361-145	NEW	00-06-082	246-790-085	AMD-P	00-07-084
246-338-060	AMD-P	00-03-073	246-361-155	NEW	00-06-082	246-790-090	AMD-P	00-07-084
246-338-060	AMD	00-06-079	246-361-165	NEW	00-06-082	246-790-100	AMD-P	00-07-084
246-338-070	AMD-P	00-03-073	246-361-175	NEW	00-06-082	246-790-120	AMD-P	00-07-084
246-338-070	AMD	00-06-079	246-361-990	NEW	00-06-082	246-790-130	AMD-P	00-07-084
246-338-080	AMD-P	00-03-073	246-420-001	REP-P	00-12-101	246-808-105	PREP	00-10-110
246-338-080	AMD	00-06-079	246-420-010	REP-P	00-12-101	246-808-115	PREP	00-10-110
246-338-090	AMD-P	00-03-073	246-420-020	REP-P	00-12-101	246-808-120	PREP	00-10-110
246-338-090	AMD	00-06-079	246-420-030	REP-P	00-12-101	246-808-135	PREP	00-10-110
246-338-100	AMD-P	00-03-073	246-420-040	REP-P	00-12-101	246-808-700	REP-XR	00-04-087
246-338-100	AMD	00-06-079	246-420-050	REP-P	00-12-101	246-810-600	NEW	00-03-075A
246-338-110	AMD-P	00-03-073	246-420-060	REP-P	00-12-101	246-810-610	NEW	00-03-075A
246-338-110	AMD	00-06-079	246-490-010	NEW-P	00-05-098	246-810-620	NEW	00-03-075A
246-358-001	AMD	00-06-082	246-490-010	NEW	00-11-169	246-810-630	NEW	00-03-075A
246-358-010	AMD	00-06-082	246-490-020	NEW-P	00-05-098	246-810-640	NEW	00-03-075A
246-358-020	REP	00-06-082	246-490-020	NEW	00-11-169	246-810-650	NEW	00-03-075A
246-358-025	AMD	00-06-082	246-490-030	NEW-P	00-05-098	246-810-660	NEW	00-03-075A
246-358-027	NEW	00-06-082	246-490-030	NEW	00-11-169	246-811-090	NEW-P	00-08-100
246-358-029	NEW	00-06-082	246-490-055	NEW-P	00-05-098	246-811-090	NEW	00-12-102
246-358-030	REP	00-06-082	246-490-055	NEW	00-11-169	246-811-100	NEW-P	00-08-100
246-358-040	NEW	00-06-082	246-490-065	NEW-P	00-05-098	246-811-100	NEW	00-12-102
246-358-045	AMD	00-06-082	246-490-065	NEW	00-11-169	246-811-110	NEW-P	00-08-100
246-358-055	AMD	00-06-082	246-490-070	NEW-P	00-05-098	246-811-110	NEW	00-12-102
246-358-065	AMD	00-06-082	246-490-070	NEW	00-11-169	246-812-990	AMD	00-07-050
246-358-070	NEW	00-06-082	246-562-010	AMD-P	00-11-165	246-830-485	NEW	00-07-086
246-358-075	AMD	00-06-082	246-562-020	AMD-P	00-11-165	246-840-500	PREP	00-11-163

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-505	PREP	00-11-163	246-930-410	PREP	00-08-099	246-976-161	NEW	00-08-102
246-840-510	PREP	00-11-163	246-939	PREP	00-11-159	246-976-165	REP-P	00-03-075
246-840-520	PREP	00-11-163	246-939-010	NEW-P	00-11-167	246-976-165	REP	00-08-102
246-840-525	PREP	00-11-163	246-939-030	NEW-P	00-11-167	246-976-170	REP-P	00-03-075
246-840-530	PREP	00-11-163	246-939-050	NEW-P	00-11-167	246-976-170	REP	00-08-102
246-840-535	PREP	00-11-163	246-976-001	AMD-P	00-03-075	246-976-171	NEW-P	00-03-075
246-840-540	PREP	00-11-163	246-976-001	AMD	00-08-102	246-976-171	NEW	00-08-102
246-840-545	PREP	00-11-163	246-976-010	AMD-P	00-03-075	246-976-180	REP-P	00-03-075
246-840-550	PREP	00-11-163	246-976-010	AMD	00-08-102	246-976-180	REP	00-08-102
246-840-555	PREP	00-11-163	246-976-020	REP-P	00-03-075	246-976-181	REP-P	00-03-075
246-840-560	PREP	00-11-163	246-976-020	REP	00-08-102	246-976-181	REP	00-08-102
246-840-565	PREP	00-11-163	246-976-021	NEW-P	00-03-075	246-976-182	NEW-P	00-03-075
246-840-570	PREP	00-11-163	246-976-021	NEW	00-08-102	246-976-182	NEW	00-08-102
246-840-575	PREP	00-11-163	246-976-025	REP-P	00-03-075	246-976-190	REP-P	00-03-075
246-840-830	AMD-P	00-11-166	246-976-025	REP	00-08-102	246-976-190	REP	00-08-102
246-840-910	PREP	00-11-158	246-976-030	REP-P	00-03-075	246-976-191	NEW-P	00-03-075
246-840-920	PREP	00-11-158	246-976-030	REP	00-08-102	246-976-191	NEW	00-08-102
246-840-930	PREP	00-11-158	246-976-031	NEW-P	00-03-075	246-976-200	REP-P	00-03-075
246-840-940	PREP	00-11-158	246-976-031	NEW	00-08-102	246-976-200	REP	00-08-102
246-840-950	PREP	00-11-158	246-976-035	REP-P	00-03-075	246-976-210	REP-P	00-03-075
246-840-960	PREP	00-11-158	246-976-035	REP	00-08-102	246-976-210	REP	00-08-102
246-840-970	PREP	00-11-158	246-976-040	REP-P	00-03-075	246-976-220	REP-P	00-03-075
246-840-980	PREP	00-11-158	246-976-040	REP	00-08-102	246-976-220	REP	00-08-102
246-840-990	PREP-W	00-11-153	246-976-041	NEW-P	00-03-075	246-976-230	REP-P	00-03-075
246-841-400	PREP	00-03-072	246-976-041	NEW	00-08-102	246-976-230	REP	00-08-102
246-841-405	PREP	00-11-158	246-976-045	REP-P	00-03-075	246-976-240	REP-P	00-03-075
246-841-410	PREP	00-03-072	246-976-045	REP	00-08-102	246-976-240	REP	00-08-102
246-841-420	PREP	00-03-072	246-976-050	REP-P	00-03-075	246-976-260	AMD-P	00-03-075
246-841-430	PREP	00-03-072	246-976-050	REP	00-08-102	246-976-260	AMD	00-08-102
246-841-440	PREP	00-03-072	246-976-055	REP-P	00-03-075	246-976-270	AMD-P	00-03-075
246-841-450	PREP	00-03-072	246-976-055	REP	00-08-102	246-976-270	AMD	00-08-102
246-841-460	PREP	00-03-072	246-976-060	REP-P	00-03-075	246-976-280	REP-P	00-03-075
246-841-470	PREP	00-03-072	246-976-060	REP	00-08-102	246-976-280	REP	00-08-102
246-841-480	PREP	00-03-072	246-976-065	REP-P	00-03-075	246-976-290	AMD-P	00-03-075
246-841-490	PREP	00-03-072	246-976-065	REP	00-08-102	246-976-290	AMD	00-08-102
246-841-500	PREP	00-03-072	246-976-070	REP-P	00-03-075	246-976-300	AMD-P	00-03-075
246-841-510	PREP	00-03-072	246-976-070	REP	00-08-102	246-976-300	AMD	00-08-102
246-883-020	AMD	00-06-078	246-976-075	REP-P	00-03-075	246-976-310	AMD-P	00-03-075
246-886-025	NEW-E	00-11-168	246-976-075	REP	00-08-102	246-976-310	AMD	00-08-102
246-887-160	AMD-P	00-06-080	246-976-076	REP-P	00-03-075	246-976-320	AMD-P	00-03-075
246-887-160	AMD	00-10-113	246-976-076	REP	00-08-102	246-976-320	AMD	00-08-102
246-901	AMD-P	00-08-101	246-976-077	REP-P	00-03-075	246-976-320	PREP	00-10-111
246-901-010	AMD-P	00-08-101	246-976-077	REP	00-08-102	246-976-330	AMD-P	00-03-075
246-901-020	AMD-P	00-08-101	246-976-080	REP-P	00-03-075	246-976-330	AMD	00-08-102
246-901-030	AMD-P	00-08-101	246-976-080	REP	00-08-102	246-976-340	AMD-P	00-03-075
246-901-035	AMD-P	00-08-101	246-976-085	REP-P	00-03-075	246-976-340	AMD	00-08-102
246-901-040	AMD-P	00-08-101	246-976-085	REP	00-08-102	246-976-350	REP-P	00-03-075
246-901-050	AMD-P	00-08-101	246-976-110	REP-P	00-03-075	246-976-350	REP	00-08-102
246-901-060	AMD-P	00-08-101	246-976-110	REP	00-08-102	246-976-370	REP-P	00-03-075
246-901-065	AMD-P	00-08-101	246-976-120	REP-P	00-03-075	246-976-370	REP	00-08-102
246-901-070	AMD-P	00-08-101	246-976-120	REP	00-08-102	246-976-390	AMD-P	00-03-075
246-901-080	AMD-P	00-08-101	246-976-140	REP-P	00-03-075	246-976-390	AMD	00-08-102
246-901-090	AMD-P	00-08-101	246-976-140	REP	00-08-102	246-976-390	PREP	00-10-111
246-901-100	AMD-P	00-08-101	246-976-141	NEW-P	00-03-075	246-976-400	AMD-P	00-03-075
246-901-110	REP-P	00-08-101	246-976-141	NEW	00-08-102	246-976-400	AMD	00-08-102
246-901-120	AMD-P	00-08-101	246-976-150	REP-P	00-03-075	246-976-420	AMD-P	00-03-075
246-901-130	AMD-P	00-08-101	246-976-150	REP	00-08-102	246-976-420	AMD	00-08-102
246-901-140	NEW-P	00-08-101	246-976-151	NEW-P	00-03-075	246-976-430	AMD-P	00-03-075
246-930-010	PREP	00-08-099	246-976-151	NEW	00-08-102	246-976-430	AMD	00-08-102
246-930-030	PREP	00-08-099	246-976-160	REP-P	00-03-075	246-976-440	REP-P	00-03-075
246-930-040	PREP	00-08-099	246-976-160	REP	00-08-102	246-976-440	REP	00-08-102
246-930-200	PREP	00-08-099	246-976-161	NEW-P	00-03-075	246-976-450	REP-P	00-03-075

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-450	REP	00-08-102	251-08-115	AMD-P	00-04-052	263-12-090	PREP	00-12-058
246-976-890	AMD-P	00-03-075	251-08-115	AMD-C	00-06-050	263-12-093	PREP	00-12-059
246-976-890	AMD	00-08-102	251-08-115	AMD	00-10-026	263-12-095	PREP	00-12-060
246-976-910	AMD-P	00-03-075	251-09-080	AMD-P	00-04-052	263-12-097	PREP	00-12-061
246-976-910	AMD	00-08-102	251-09-080	AMD-C	00-06-050	263-12-100	PREP	00-12-062
246-976-920	AMD-P	00-03-075	251-09-080	AMD	00-10-026	263-12-115	PREP	00-12-063
246-976-920	AMD	00-08-102	251-17-150	AMD-P	00-12-072	263-12-120	PREP	00-12-064
246-976-930	AMD-P	00-03-075	251-19-085	NEW-P	00-06-048	263-12-130	PREP	00-12-065
246-976-930	AMD	00-08-102	251-19-085	NEW	00-11-121	263-12-135	PREP	00-12-066
246-976-940	AMD-P	00-03-075	251-20-020	AMD-P	00-04-053	263-12-140	PREP	00-12-067
246-976-940	AMD	00-08-102	251-20-020	AMD-W	00-05-060	263-12-145	PREP	00-12-068
246-976-950	AMD-P	00-03-075	251-20-020	AMD-C	00-06-051	275-30-010	AMD-E	00-10-065
246-976-950	AMD	00-08-102	251-20-020	AMD	00-10-027	275-35	PREP	00-03-028
246-976-960	AMD-P	00-03-075	251-20-030	AMD-P	00-04-053	275-35-010	REP-P	00-12-103
246-976-960	AMD	00-08-102	251-20-030	AMD-W	00-05-060	275-35-020	REP-P	00-12-103
246-976-970	AMD-P	00-03-075	251-20-030	AMD-C	00-06-051	275-35-030	REP-P	00-12-103
246-976-970	AMD	00-08-102	251-20-030	AMD	00-10-027	275-35-040	REP-P	00-12-103
246-976-990	AMD-P	00-03-075	251-23-040	AMD-P	00-04-052	275-35-050	REP-P	00-12-103
246-976-990	AMD	00-08-102	251-23-040	AMD-C	00-06-050	275-35-060	REP-P	00-12-103
250-66-020	AMD	00-08-081	251-23-040	AMD	00-10-026	275-35-070	REP-P	00-12-103
250-66-030	AMD	00-08-081	260-28-230	AMD	00-06-072	275-35-080	REP-P	00-12-103
250-66-040	AMD	00-08-081	260-34-030	AMD-P	00-03-088	275-35-100	REP-P	00-12-103
250-66-045	NEW	00-08-081	260-34-030	AMD	00-07-038	275-37-010	REP-P	00-11-139
250-66-050	AMD	00-08-081	260-34-080	AMD-P	00-03-088	275-37-020	REP-P	00-11-139
250-80-010	NEW	00-08-082	260-34-080	AMD	00-07-038	275-37-030	REP-P	00-11-139
250-80-010	NEW-E	00-08-083	260-34-090	AMD-P	00-03-088	275-54	PREP	00-08-048
250-80-020	NEW	00-08-082	260-34-090	AMD	00-07-038	275-55	PREP	00-08-048
250-80-020	NEW-E	00-08-083	260-34-100	AMD-P	00-03-088	275-57	PREP	00-08-048
250-80-030	NEW	00-08-082	260-34-100	AMD	00-07-038	275-110	PREP	00-12-034
250-80-030	NEW-E	00-08-083	260-34-140	AMD-P	00-03-088	284-02-070	AMD-E	00-08-011
250-80-040	NEW	00-08-082	260-34-140	AMD-W	00-07-037	284-43-120	AMD	00-04-034
250-80-040	NEW-E	00-08-083	260-34-150	AMD-P	00-03-088	284-43-125	NEW	00-04-034
250-80-050	NEW	00-08-082	260-34-150	AMD-W	00-07-037	284-43-200	AMD	00-04-034
250-80-050	NEW-E	00-08-083	260-40-100	AMD-P	00-03-089	284-43-210	AMD	00-04-034
250-80-060	NEW	00-08-082	260-40-100	AMD	00-07-039	284-43-220	AMD	00-04-034
250-80-060	NEW-E	00-08-083	260-44-070	AMD	00-06-071	284-43-250	AMD	00-04-034
250-80-070	NEW	00-08-082	260-48-600	AMD	00-06-070	284-43-710	AMD	00-04-034
250-80-070	NEW-E	00-08-083	260-48-620	AMD	00-06-070	284-43-710	AMD-E	00-08-011
250-80-080	NEW	00-08-082	260-52-010	AMD	00-06-069	284-43-720	AMD	00-04-034
250-80-080	NEW-E	00-08-083	260-52-030	AMD	00-06-069	284-43-720	AMD-E	00-08-011
250-80-090	NEW	00-08-082	260-52-040	AMD	00-06-069	284-43-730	AMD-E	00-08-011
250-80-090	NEW-E	00-08-083	260-52-060	AMD-P	00-03-091	284-43-915	AMD-E	00-08-011
250-80-100	NEW	00-08-082	260-52-060	AMD	00-07-041	284-43-930	AMD-E	00-08-011
250-80-100	NEW-E	00-08-083	260-70-700	AMD-P	00-03-092	284-43-945	AMD-E	00-08-011
250-81-010	NEW-P	00-05-084	260-70-700	AMD	00-07-042	284-74-300	NEW-P	00-04-090
250-81-010	NEW	00-08-080	260-75-020	NEW-P	00-03-090	284-74-300	NEW	00-07-069
250-81-020	NEW-P	00-05-084	260-75-020	NEW	00-07-040	284-74-310	NEW-P	00-04-090
250-81-020	NEW	00-08-080	260-75-030	NEW-P	00-03-090	284-74-310	NEW	00-07-069
250-81-030	NEW-P	00-05-084	260-75-030	NEW	00-07-040	284-74-320	NEW-P	00-04-090
250-81-030	NEW	00-08-080	260-88-010	AMD-P	00-03-093	284-74-320	NEW	00-07-069
250-81-040	NEW-P	00-05-084	260-88-010	AMD	00-07-043	284-74-330	NEW-P	00-04-090
250-81-040	NEW	00-08-080	262-01-140	NEW	00-06-030	284-74-330	NEW	00-07-069
250-81-050	NEW-P	00-05-084	263-12-016	PREP	00-12-053	284-74-340	NEW-P	00-04-090
250-81-050	NEW	00-08-080	263-12-020	PREP	00-12-054	284-74-340	NEW	00-07-069
250-81-060	NEW-P	00-05-084	263-12-045	PREP	00-12-055	284-74-350	NEW-P	00-04-090
250-81-060	NEW	00-08-080	263-12-050	PREP	00-12-056	284-74-350	NEW	00-07-069
251-01-175	AMD-P	00-12-072	263-12-051	PREP	00-12-056	284-74-360	NEW-P	00-04-090
251-01-345	AMD-P	00-04-053	263-12-056	PREP	00-12-056	284-74-360	NEW	00-07-069
251-01-345	AMD-W	00-05-060	263-12-057	PREP	00-12-056	284-74-370	NEW-P	00-04-090
251-01-345	AMD-C	00-06-051	263-12-058	PREP	00-12-056	284-74-370	NEW	00-07-069
251-01-345	AMD	00-10-027	263-12-059	PREP	00-12-056	284-74-380	NEW-P	00-04-090
251-08-075	NEW-P	00-12-074	263-12-060	PREP	00-12-057	284-74-380	NEW	00-07-069

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
286-40-020	AMD	00-05-008	296-17-90421	NEW	00-11-060	296-18A-445	REP-P	00-10-106
296-15-500	NEW-P	00-10-106	296-17-90424	NEW	00-11-060	296-18A-450	REP-P	00-10-106
296-15-510	NEW-P	00-10-106	296-17-90427	NEW	00-11-060	296-18A-460	REP-P	00-10-106
296-17	PREP	00-02-090	296-17-90430	NEW	00-11-060	296-18A-470	REP-P	00-10-106
296-17	PREP	00-11-135	296-17-90433	NEW	00-11-060	296-18A-480	REP-P	00-10-106
296-17-31011	AMD-P	00-07-138	296-17-90434	NEW	00-11-060	296-18A-490	REP-P	00-10-106
296-17-31012	AMD-P	00-07-138	296-17-90436	NEW	00-11-060	296-18A-500	REP-P	00-10-106
296-17-31021	AMD-P	00-07-138	296-17-90439	NEW	00-11-060	296-18A-510	REP-P	00-10-106
296-17-501	AMD-P	00-07-138	296-17-90442	NEW	00-11-060	296-18A-515	REP-P	00-10-106
296-17-50601	AMD-P	00-07-138	296-17-90445	NEW	00-11-060	296-18A-520	REP-P	00-10-106
296-17-510	AMD-P	00-07-138	296-17-90448	NEW	00-11-060	296-19A-010	NEW-P	00-10-106
296-17-521	AMD-P	00-07-138	296-17-90451	NEW	00-11-060	296-19A-020	NEW-P	00-10-106
296-17-52102	AMD-P	00-07-138	296-17-90463	NEW	00-11-060	296-19A-030	NEW-P	00-10-106
296-17-52106	AMD-P	00-07-138	296-17-90466	NEW	00-11-060	296-19A-040	NEW-P	00-10-106
296-17-527	AMD-P	00-07-138	296-17-90469	NEW	00-11-060	296-19A-050	NEW-P	00-10-106
296-17-529	AMD-P	00-07-138	296-17-90472	NEW	00-11-060	296-19A-060	NEW-P	00-10-106
296-17-537	AMD-P	00-07-138	296-17-90475	NEW	00-11-060	296-19A-070	NEW-P	00-10-106
296-17-53803	AMD-P	00-07-138	296-17-90478	NEW	00-11-060	296-19A-080	NEW-P	00-10-106
296-17-542	AMD-P	00-07-138	296-17-90481	NEW	00-11-060	296-19A-090	NEW-P	00-10-106
296-17-544	AMD-P	00-07-138	296-17-90484	NEW	00-11-060	296-19A-100	NEW-P	00-10-106
296-17-54401	AMD-P	00-07-138	296-17-90490	NEW	00-11-060	296-19A-110	NEW-P	00-10-106
296-17-54403	NEW-P	00-07-138	296-17-90491	NEW	00-11-060	296-19A-120	NEW-P	00-10-106
296-17-545	AMD-P	00-07-138	296-17-90492	NEW	00-11-060	296-19A-130	NEW-P	00-10-106
296-17-546	AMD-P	00-07-138	296-17-90493	NEW	00-11-060	296-19A-140	NEW-P	00-10-106
296-17-562	AMD-P	00-07-138	296-17-90494	NEW	00-11-060	296-19A-170	NEW-P	00-10-106
296-17-57001	AMD-P	00-07-138	296-17-90495	NEW	00-11-060	296-19A-180	NEW-P	00-10-106
296-17-583	AMD-P	00-07-138	296-17-90496	NEW	00-11-060	296-19A-190	NEW-P	00-10-106
296-17-58503	AMD-P	00-07-138	296-17-90497	NEW	00-11-060	296-19A-200	NEW-P	00-10-106
296-17-597	AMD-P	00-07-138	296-17-91201	REP	00-11-060	296-19A-210	NEW-P	00-10-106
296-17-615	AMD-P	00-07-138	296-17-91202	REP	00-11-060	296-19A-220	NEW-P	00-10-106
296-17-618	AMD-P	00-07-138	296-17-91203	REP	00-11-060	296-19A-230	NEW-P	00-10-106
296-17-643	AMD-P	00-07-138	296-17-91204	REP	00-11-060	296-19A-240	NEW-P	00-10-106
296-17-649	AMD-P	00-07-138	296-17-91205	REP	00-11-060	296-19A-250	NEW-P	00-10-106
296-17-66003	AMD-P	00-07-138	296-17-91206	REP	00-11-060	296-19A-260	NEW-P	00-10-106
296-17-675	AMD-P	00-07-138	296-17-91207	REP	00-11-060	296-19A-270	NEW-P	00-10-106
296-17-678	AMD-P	00-07-138	296-17-91208	REP	00-11-060	296-19A-280	NEW-P	00-10-106
296-17-679	AMD-P	00-07-138	296-17-91209	REP	00-11-060	296-19A-290	NEW-P	00-10-106
296-17-686	AMD-P	00-07-138	296-17-91210	REP	00-11-060	296-19A-300	NEW-P	00-10-106
296-17-689	AMD-P	00-07-138	296-17-91211	REP	00-11-060	296-19A-310	NEW-P	00-10-106
296-17-690	AMD-P	00-07-138	296-17-91212	REP	00-11-060	296-19A-320	NEW-P	00-10-106
296-17-694	AMD-P	00-07-138	296-17-91213	REP	00-11-060	296-19A-330	NEW-P	00-10-106
296-17-695	AMD-P	00-07-138	296-17-91214	REP	00-11-060	296-19A-340	NEW-P	00-10-106
296-17-712	AMD-P	00-07-138	296-17-91215	REP	00-11-060	296-19A-350	NEW-P	00-10-106
296-17-713	AMD-P	00-07-138	296-17-91216	REP	00-11-060	296-19A-360	NEW-P	00-10-106
296-17-729	AMD-P	00-07-138	296-17-91219	REP	00-11-060	296-19A-370	NEW-P	00-10-106
296-17-740	AMD-P	00-07-138	296-17-91220	REP	00-11-060	296-19A-380	NEW-P	00-10-106
296-17-748	AMD-P	00-07-138	296-17-91221	REP	00-11-060	296-19A-390	NEW-P	00-10-106
296-17-749	AMD-P	00-07-138	296-17-91222	REP	00-11-060	296-19A-400	NEW-P	00-10-106
296-17-751	AMD-P	00-07-138	296-17-91223	REP	00-11-060	296-19A-410	NEW-P	00-10-106
296-17-779	AMD-P	00-07-138	296-17-91224	REP	00-11-060	296-19A-420	NEW-P	00-10-106
296-17-855	AMD-P	00-07-138	296-17-91225	REP	00-11-060	296-19A-430	NEW-P	00-10-106
296-17-885	AMD-P	00-07-138	296-17-91250	REP	00-11-060	296-19A-440	NEW-P	00-10-106
296-17-895	AMD-P	00-07-138	296-17-914	REP	00-11-060	296-19A-450	NEW-P	00-10-106
296-17-90401	NEW	00-11-060	296-17-91402	REP	00-11-060	296-19A-460	NEW-P	00-10-106
296-17-90402	NEW	00-11-060	296-17-91403	REP	00-11-060	296-19A-470	NEW-P	00-10-106
296-17-90403	NEW	00-11-060	296-17-91404	REP	00-11-060	296-19A-480	NEW-P	00-10-106
296-17-90406	NEW	00-11-060	296-17-91405	REP	00-11-060	296-20-022	AMD-P	00-05-111
296-17-90408	NEW	00-11-060	296-17-91406	REP	00-11-060	296-20-022	AMD	00-09-078
296-17-90409	NEW	00-11-060	296-17-919	REP	00-11-060	296-20-12401	NEW-P	00-05-111
296-17-90412	NEW	00-11-060	296-18A	PREP	00-05-002	296-20-12401	NEW	00-09-078
296-17-90415	NEW	00-11-060	296-18A-420	REP-P	00-10-106	296-20-135	AMD-P	00-05-112
296-17-90418	NEW	00-11-060	296-18A-440	REP-P	00-10-106	296-20-135	AMD	00-09-077

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 21-290	AMD-P	00-05-111	296- 24-870	REP	00-08-078	296- 30-010	AMD	00-10-003
296- 21-290	AMD	00-09-078	296- 24-87001	REP	00-08-078	296- 30-080	AMD	00-03-056
296- 23-220	AMD-P	00-05-112	296- 24-87009	REP	00-08-078	296- 30-081	AMD	00-03-056
296- 23-220	AMD	00-09-077	296- 24-87011	REP	00-08-078	296- 30-085	NEW	00-03-056
296- 23-230	AMD-P	00-05-112	296- 24-87013	REP	00-08-078	296- 30-090	NEW	00-03-056
296- 23-230	AMD	00-09-077	296- 24-87015	REP	00-08-078	296- 30-095	NEW	00-03-056
296- 23A-0200	AMD	00-06-027	296- 24-87017	REP	00-08-078	296- 30-100	NEW	00-03-056
296- 23A-0210	AMD	00-06-027	296- 24-87019	REP	00-08-078	296- 30-105	NEW	00-03-056
296- 23A-0220	AMD	00-06-027	296- 24-87031	REP	00-08-078	296- 30-120	AMD	00-03-056
296- 23A-0230	AMD-P	00-05-111	296- 24-87033	REP	00-08-078	296- 30-130	AMD-P	00-02-091
296- 23A-0230	AMD	00-09-078	296- 24-87035	REP	00-08-078	296- 30-130	AMD	00-10-003
296- 23A-0240	AMD	00-06-027	296- 24-87037	REP	00-08-078	296- 30-170	AMD	00-03-056
296- 24	PREP	00-05-057	296- 24-875	NEW	00-08-078	296- 30-180	AMD	00-03-056
296- 24	PREP	00-10-046	296- 24-87505	NEW	00-08-078	296- 31-012	AMD-P	00-02-091
296- 24	PREP	00-12-099	296- 24-87510	NEW	00-08-078	296- 31-012	AMD	00-10-003
296- 24-14519	AMD	00-08-078	296- 24-87515	NEW	00-08-078	296- 31-020	REP-P	00-02-091
296- 24-23027	AMD	00-08-078	296- 24-880	NEW	00-08-078	296- 31-020	REP	00-10-003
296- 24-23533	AMD	00-08-078	296- 24-88005	NEW	00-08-078	296- 31-030	AMD	00-03-056
296- 24-825	REP	00-08-078	296- 24-88010	NEW	00-08-078	296- 31-035	NEW	00-03-056
296- 24-82501	REP	00-08-078	296- 24-88015	NEW	00-08-078	296- 31-045	NEW	00-03-056
296- 24-82503	REP	00-08-078	296- 24-88020	NEW	00-08-078	296- 31-050	REP	00-03-056
296- 24-82505	REP	00-08-078	296- 24-88025	NEW	00-08-078	296- 31-055	NEW	00-03-056
296- 24-82507	REP	00-08-078	296- 24-88030	NEW	00-08-078	296- 31-056	NEW	00-03-056
296- 24-82509	REP	00-08-078	296- 24-88035	NEW	00-08-078	296- 31-057	NEW	00-03-056
296- 24-82511	REP	00-08-078	296- 24-88040	NEW	00-08-078	296- 31-058	NEW	00-03-056
296- 24-82513	REP	00-08-078	296- 24-88045	NEW	00-08-078	296- 31-070	AMD	00-03-056
296- 24-82515	REP	00-08-078	296- 24-88050	NEW	00-08-078	296- 31-074	NEW	00-03-056
296- 24-82517	REP	00-08-078	296- 24-88055	NEW	00-08-078	296- 31-090	REP	00-03-056
296- 24-82519	REP	00-08-078	296- 24-885	REP	00-08-078	296- 46	PREP	00-10-116
296- 24-82521	REP	00-08-078	296- 24-88501	REP	00-08-078	296- 46-930	AMD-E	00-06-076
296- 24-82523	REP	00-08-078	296- 24-88503	REP	00-08-078	296- 62	PREP	00-10-045
296- 24-82525	REP	00-08-078	296- 24-88505	REP	00-08-078	296- 62	PREP	00-10-046
296- 24-82527	REP	00-08-078	296- 24-90001	AMD	00-08-078	296- 62-051	NEW-C	00-04-075
296- 24-82529	REP	00-08-078	296- 24-90003	AMD	00-08-078	296- 62-051	NEW	00-12-024
296- 24-82531	REP	00-08-078	296- 24-90005	AMD	00-08-078	296- 62-05101	NEW-C	00-04-075
296- 24-82533	REP	00-08-078	296- 24-90007	AMD	00-08-078	296- 62-05101	NEW	00-12-024
296- 24-82535	REP	00-08-078	296- 24-90009	AMD	00-08-078	296- 62-05103	NEW-C	00-04-075
296- 24-82537	REP	00-08-078	296- 27-150	REP-P	00-05-058	296- 62-05103	NEW	00-12-024
296- 24-82539	REP	00-08-078	296- 27-150	REP	00-11-098	296- 62-05105	NEW-C	00-04-075
296- 24-82541	REP	00-08-078	296- 27-160	REP-P	00-05-058	296- 62-05105	NEW	00-12-024
296- 24-82543	REP	00-08-078	296- 27-160	REP	00-11-098	296- 62-05110	NEW-C	00-04-075
296- 24-82545	REP	00-08-078	296- 27-16001	REP-P	00-05-058	296- 62-05110	NEW	00-12-024
296- 24-84001	REP	00-08-078	296- 27-16001	REP	00-11-098	296- 62-05120	NEW-C	00-04-075
296- 24-84003	REP	00-08-078	296- 27-16002	REP-P	00-05-058	296- 62-05120	NEW	00-12-024
296- 24-84005	REP	00-08-078	296- 27-16002	REP	00-11-098	296- 62-05122	NEW-C	00-04-075
296- 24-84007	REP	00-08-078	296- 27-16003	REP-P	00-05-058	296- 62-05122	NEW	00-12-024
296- 24-84009	REP	00-08-078	296- 27-16003	REP	00-11-098	296- 62-05130	NEW-C	00-04-075
296- 24-84011	REP	00-08-078	296- 27-16004	REP-P	00-05-058	296- 62-05130	NEW	00-12-024
296- 24-84013	REP	00-08-078	296- 27-16004	REP	00-11-098	296- 62-05140	NEW-C	00-04-075
296- 24-860	NEW	00-08-078	296- 27-16007	REP-P	00-05-058	296- 62-05140	NEW	00-12-024
296- 24-86005	NEW	00-08-078	296- 27-16007	REP	00-11-098	296- 62-05150	NEW-C	00-04-075
296- 24-86010	NEW	00-08-078	296- 27-16011	REP-P	00-05-058	296- 62-05150	NEW	00-12-024
296- 24-86015	NEW	00-08-078	296- 27-16011	REP	00-11-098	296- 62-05160	NEW-C	00-04-075
296- 24-86020	NEW	00-08-078	296- 27-16018	REP-P	00-05-058	296- 62-05160	NEW	00-12-024
296- 24-861	NEW	00-08-078	296- 27-16018	REP	00-11-098	296- 62-05170	NEW-C	00-04-075
296- 24-86105	NEW	00-08-078	296- 27-16020	REP-P	00-05-058	296- 62-05170	NEW-W	00-12-029
296- 24-86110	NEW	00-08-078	296- 27-16020	REP	00-11-098	296- 62-05172	NEW-C	00-04-075
296- 24-86115	NEW	00-08-078	296- 27-16022	REP-P	00-05-058	296- 62-05172	NEW	00-12-024
296- 24-86120	NEW	00-08-078	296- 27-16022	REP	00-11-098	296- 62-05174	NEW-C	00-04-075
296- 24-86125	NEW	00-08-078	296- 27-16026	REP-P	00-05-058	296- 62-05174	NEW	00-12-024
296- 24-86130	NEW	00-08-078	296- 27-16026	REP	00-11-098	296- 62-05176	NEW-C	00-04-075
296- 24-862	NEW	00-08-078	296- 30-010	AMD-P	00-02-091	296- 62-05176	NEW	00-12-024

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-07515	AMD	00-06-075	296-127-01318	NEW-E	00-07-123	296-127-01372	NEW-E	00-07-123
296-62-07709	AMD	00-06-075	296-127-01318	NEW-P	00-11-136	296-127-01372	NEW-P	00-11-136
296-62-07713	AMD	00-06-075	296-127-01320	NEW-E	00-07-123	296-127-01374	NEW-E	00-07-123
296-62-07722	AMD	00-06-075	296-127-01320	NEW-P	00-11-136	296-127-01374	NEW-P	00-11-136
296-62-07727	AMD	00-06-075	296-127-01322	NEW-E	00-07-123	296-127-01375	NEW-E	00-07-123
296-62-07745	AMD	00-06-075	296-127-01322	NEW-P	00-11-136	296-127-01375	NEW-P	00-11-136
296-65-003	AMD	00-06-075	296-127-01323	NEW-E	00-07-123	296-127-01376	NEW-E	00-07-123
296-67	PREP	00-10-045	296-127-01323	NEW-P	00-11-136	296-127-01376	NEW-P	00-11-136
296-79	PREP	00-10-045	296-127-01325	NEW-E	00-07-123	296-127-01377	NEW-E	00-07-123
296-104	PREP	00-10-002	296-127-01325	NEW-P	00-11-136	296-127-01377	NEW-P	00-11-136
296-104-010	PREP	00-10-002	296-127-01327	NEW-E	00-07-123	296-127-01378	NEW-E	00-07-123
296-104-102	PREP	00-10-002	296-127-01327	NEW-P	00-11-136	296-127-01378	NEW-P	00-11-136
296-104-180	PREP	00-10-002	296-127-01328	NEW-E	00-07-123	296-127-01379	NEW-E	00-07-123
296-104-200	PREP	00-10-002	296-127-01328	NEW-P	00-11-136	296-127-01379	NEW-P	00-11-136
296-104-205	PREP	00-10-002	296-127-01329	NEW-E	00-07-123	296-127-01382	NEW-E	00-07-123
296-104-210	PREP	00-10-002	296-127-01329	NEW-P	00-11-136	296-127-01382	NEW-P	00-11-136
296-104-215	PREP	00-10-002	296-127-01331	NEW-E	00-07-123	296-127-01384	NEW-E	00-07-123
296-104-220	PREP	00-10-002	296-127-01331	NEW-P	00-11-136	296-127-01384	NEW-P	00-11-136
296-104-230	PREP	00-10-002	296-127-01332	NEW-E	00-07-123	296-127-01386	NEW-E	00-07-123
296-104-235	PREP	00-10-002	296-127-01332	NEW-P	00-11-136	296-127-01386	NEW-P	00-11-136
296-104-240	PREP	00-10-002	296-127-01333	NEW-E	00-07-123	296-127-01387	NEW-E	00-07-123
296-104-245	PREP	00-10-002	296-127-01333	NEW-P	00-11-136	296-127-01387	NEW-P	00-11-136
296-104-265	PREP	00-10-002	296-127-01335	NEW-E	00-07-123	296-127-01389	NEW-E	00-07-123
296-104-502	PREP	00-10-002	296-127-01335	NEW-P	00-11-136	296-127-01389	NEW-P	00-11-136
296-104-700	PREP	00-10-002	296-127-01337	NEW-E	00-07-123	296-127-01391	NEW-E	00-07-123
296-104-701	PREP	00-10-002	296-127-01337	NEW-P	00-11-136	296-127-01391	NEW-P	00-11-136
296-115-001	AMD-XA	00-12-100	296-127-01339	NEW-E	00-07-123	296-150C	PREP	00-06-077
296-115-005	AMD-XA	00-12-100	296-127-01339	NEW-P	00-11-136	296-150F	PREP	00-06-077
296-115-010	AMD-XA	00-12-100	296-127-01340	NEW-E	00-07-123	296-150M	PREP	00-06-077
296-115-015	AMD-XA	00-12-100	296-127-01340	NEW-P	00-11-136	296-150P	PREP	00-06-077
296-115-025	AMD-XA	00-12-100	296-127-01342	NEW-E	00-07-123	296-150R	PREP	00-06-077
296-115-030	AMD-XA	00-12-100	296-127-01342	NEW-P	00-11-136	296-150V	PREP	00-06-077
296-115-035	AMD-XA	00-12-100	296-127-01344	NEW-E	00-07-123	296-155	PREP	00-04-002
296-115-040	AMD-XA	00-12-100	296-127-01344	NEW-P	00-11-136	296-155	PREP	00-05-057
296-115-050	AMD-XA	00-12-100	296-127-01346	NEW-E	00-07-123	296-155	PREP	00-12-099
296-115-060	AMD-XA	00-12-100	296-127-01346	NEW-P	00-11-136	296-155-110	AMD	00-08-078
296-115-070	AMD-XA	00-12-100	296-127-01347	NEW-E	00-07-123	296-155-24501	AMD-XA	00-08-079
296-115-100	AMD-XA	00-12-100	296-127-01347	NEW-P	00-11-136	296-155-24503	AMD-XA	00-08-079
296-127	PREP	00-07-122	296-127-01349	NEW-E	00-07-123	296-155-24505	AMD-XA	00-08-079
296-127-013	AMD-E	00-07-123	296-127-01349	NEW-P	00-11-136	296-155-24510	AMD-XA	00-08-079
296-127-013	AMD-P	00-11-136	296-127-01351	NEW-E	00-07-123	296-155-24515	AMD-XA	00-08-079
296-127-01301	NEW-E	00-07-123	296-127-01351	NEW-P	00-11-136	296-155-24520	AMD-XA	00-08-079
296-127-01301	NEW-P	00-11-136	296-127-01352	NEW-E	00-07-123	296-155-24521	AMD-XA	00-08-079
296-127-01303	NEW-E	00-07-123	296-127-01352	NEW-P	00-11-136	296-155-24525	AMD-XA	00-08-079
296-127-01303	NEW-P	00-11-136	296-127-01354	NEW-E	00-07-123	296-155-305	AMD-E	00-12-018
296-127-01305	NEW-E	00-07-123	296-127-01354	NEW-P	00-11-136	296-155-483	AMD-XA	00-08-079
296-127-01305	NEW-P	00-11-136	296-127-01356	NEW-E	00-07-123	296-155-505	AMD-XA	00-08-079
296-127-01306	NEW-E	00-07-123	296-127-01356	NEW-P	00-11-136	296-155-526	NEW-P	00-06-056
296-127-01306	NEW-P	00-11-136	296-127-01358	NEW-E	00-07-123	296-155-680	AMD-XA	00-08-079
296-127-01308	NEW-E	00-07-123	296-127-01358	NEW-P	00-11-136	296-305	PREP	00-10-045
296-127-01308	NEW-P	00-11-136	296-127-01360	NEW-E	00-07-123	296-307	PREP	00-10-046
296-127-01309	NEW-E	00-07-123	296-127-01360	NEW-P	00-11-136	296-307-160	REP	00-06-081
296-127-01309	NEW-P	00-11-136	296-127-01362	NEW-E	00-07-123	296-307-16001	REP	00-06-081
296-127-01310	NEW-E	00-07-123	296-127-01362	NEW-P	00-11-136	296-307-16003	REP	00-06-081
296-127-01310	NEW-P	00-11-136	296-127-01364	NEW-E	00-07-123	296-307-16004	REP	00-06-081
296-127-01312	NEW-E	00-07-123	296-127-01364	NEW-P	00-11-136	296-307-16005	REP	00-06-081
296-127-01312	NEW-P	00-11-136	296-127-01367	NEW-E	00-07-123	296-307-16007	REP	00-06-081
296-127-01313	NEW-P	00-11-136	296-127-01367	NEW-P	00-11-136	296-307-16009	REP	00-06-081
296-127-01315	NEW-E	00-07-123	296-127-01369	NEW-E	00-07-123	296-307-16011	REP	00-06-081
296-127-01315	NEW-P	00-11-136	296-127-01369	NEW-P	00-11-136	296-307-16013	REP	00-06-081
296-127-01317	NEW-E	00-07-123	296-127-01370	NEW-E	00-07-123	296-307-16015	REP	00-06-081
296-127-01317	NEW-P	00-11-136	296-127-01370	NEW-P	00-11-136	296-307-16017	REP	00-06-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-16019	REP	00-06-081	296-350-080	REP-P	00-05-058	296-350-600	NEW-P	00-05-058
296-307-16021	REP	00-06-081	296-350-080	REP	00-11-098	296-350-600	NEW	00-11-098
296-307-16023	REP	00-06-081	296-350-090	REP-P	00-05-058	296-350-60010	NEW-P	00-05-058
296-307-161	NEW	00-06-081	296-350-090	REP	00-11-098	296-350-60010	NEW	00-11-098
296-307-16101	NEW	00-06-081	296-350-095	REP-P	00-05-058	296-350-60015	NEW-P	00-05-058
296-307-16103	NEW	00-06-081	296-350-095	REP	00-11-098	296-350-60015	NEW	00-11-098
296-307-16105	NEW	00-06-081	296-350-100	NEW-P	00-05-058	296-350-60020	NEW-P	00-05-058
296-307-16110	NEW	00-06-081	296-350-100	NEW	00-11-098	296-350-60020	NEW	00-11-098
296-307-16115	NEW	00-06-081	296-350-10010	NEW-P	00-05-058	296-350-60025	NEW-P	00-05-058
296-307-16120	NEW	00-06-081	296-350-10010	NEW	00-11-098	296-350-60025	NEW	00-11-098
296-307-16125	NEW	00-06-081	296-350-10020	NEW-P	00-05-058	296-350-60030	NEW-P	00-05-058
296-307-16130	NEW	00-06-081	296-350-10020	NEW	00-11-098	296-350-60030	NEW	00-11-098
296-307-16135	NEW	00-06-081	296-350-10030	NEW-P	00-05-058	296-350-60035	NEW-P	00-05-058
296-307-16140	NEW	00-06-081	296-350-10030	NEW	00-11-098	296-350-60035	NEW	00-11-098
296-307-16145	NEW	00-06-081	296-350-10040	NEW-P	00-05-058	296-350-60040	NEW-P	00-05-058
296-307-16150	NEW	00-06-081	296-350-10040	NEW	00-11-098	296-350-60040	NEW	00-11-098
296-307-16155	NEW	00-06-081	296-350-10050	NEW-P	00-05-058	296-350-60045	NEW-P	00-05-058
296-307-16160	NEW	00-06-081	296-350-10050	NEW	00-11-098	296-350-60045	NEW	00-11-098
296-307-16165	NEW	00-06-081	296-350-150	NEW-P	00-05-058	296-350-700	NEW-P	00-05-058
296-307-16170	NEW	00-06-081	296-350-150	NEW	00-11-098	296-350-700	NEW	00-11-098
296-307-16175	NEW	00-06-081	296-350-15010	NEW-P	00-05-058	296-350-70010	NEW-P	00-05-058
296-307-16180	NEW	00-06-081	296-350-15010	NEW	00-11-098	296-350-70010	NEW	00-11-098
296-307-16185	NEW	00-06-081	296-350-15015	NEW-P	00-05-058	296-350-70015	NEW-P	00-05-058
296-307-16190	NEW	00-06-081	296-350-15015	NEW	00-11-098	296-350-70015	NEW	00-11-098
296-307-163	NEW	00-06-081	296-350-15020	NEW-P	00-05-058	296-350-70020	NEW-P	00-05-058
296-307-16301	NEW	00-06-081	296-350-15020	NEW	00-11-098	296-350-70020	NEW	00-11-098
296-307-16303	NEW	00-06-081	296-350-15025	NEW-P	00-05-058	296-350-70025	NEW-P	00-05-058
296-307-16305	NEW	00-06-081	296-350-15025	NEW	00-11-098	296-350-70025	NEW	00-11-098
296-307-16310	NEW	00-06-081	296-350-15030	NEW-P	00-05-058	296-350-70030	NEW-P	00-05-058
296-307-16315	NEW	00-06-081	296-350-15030	NEW	00-11-098	296-350-70030	NEW	00-11-098
296-307-16320	NEW	00-06-081	296-350-15035	NEW-P	00-05-058	296-350-70035	NEW-P	00-05-058
296-307-16325	NEW	00-06-081	296-350-15035	NEW	00-11-098	296-350-70035	NEW	00-11-098
296-307-16330	NEW	00-06-081	296-350-15040	NEW-P	00-05-058	296-350-70040	NEW-P	00-05-058
296-307-16335	NEW	00-06-081	296-350-15040	NEW	00-11-098	296-350-70040	NEW	00-11-098
296-307-16340	NEW	00-06-081	296-350-15045	NEW-P	00-05-058	296-350-70045	NEW-P	00-05-058
296-307-16345	NEW	00-06-081	296-350-15045	NEW	00-11-098	296-350-70045	NEW	00-11-098
296-307-16350	NEW	00-06-081	296-350-200	REP-P	00-05-058	296-350-70050	NEW-P	00-05-058
296-307-16355	NEW	00-06-081	296-350-200	REP	00-11-098	296-350-70050	NEW	00-11-098
296-307-16360	NEW	00-06-081	296-350-210	REP-P	00-05-058	296-350-70055	NEW-P	00-05-058
296-307-16365	NEW	00-06-081	296-350-210	REP	00-11-098	296-350-70055	NEW	00-11-098
296-307-16370	NEW	00-06-081	296-350-230	REP-P	00-05-058	296-350-70060	NEW-P	00-05-058
296-307-16375	NEW	00-06-081	296-350-230	REP	00-11-098	296-350-70060	NEW	00-11-098
296-307-16380	NEW	00-06-081	296-350-240	REP-P	00-05-058	296-350-70065	NEW-P	00-05-058
296-307-16385	NEW	00-06-081	296-350-240	REP	00-11-098	296-350-70065	NEW	00-11-098
296-307-16390	NEW	00-06-081	296-350-250	REP-P	00-05-058	296-350-70070	NEW-P	00-05-058
296-307-16395	NEW	00-06-081	296-350-250	REP	00-11-098	296-350-70070	NEW	00-11-098
296-350	AMD-P	00-05-058	296-350-255	REP-P	00-05-058	296-401A	PREP	00-10-116
296-350	AMD	00-11-098	296-350-255	REP	00-11-098	296-401A-140	AMD-E	00-06-076
296-350-010	AMD-P	00-05-058	296-350-260	REP-P	00-05-058	296-402-010	REP-P	00-07-137
296-350-010	AMD	00-11-098	296-350-260	REP	00-11-098	296-402-010	REP	00-11-115
296-350-020	REP-P	00-05-058	296-350-270	REP-P	00-05-058	296-402-020	REP-P	00-07-137
296-350-020	REP	00-11-098	296-350-270	REP	00-11-098	296-402-020	REP	00-11-115
296-350-030	REP-P	00-05-058	296-350-280	REP-P	00-05-058	296-402-030	REP-P	00-07-137
296-350-030	REP	00-11-098	296-350-280	REP	00-11-098	296-402-030	REP	00-11-115
296-350-040	REP-P	00-05-058	296-350-400	REP-P	00-05-058	296-402-040	REP-P	00-07-137
296-350-040	REP	00-11-098	296-350-400	REP	00-11-098	296-402-040	REP	00-11-115
296-350-050	REP-P	00-05-058	296-350-450	REP-P	00-05-058	296-402-050	REP-P	00-07-137
296-350-050	REP	00-11-098	296-350-450	REP	00-11-098	296-402-050	REP	00-11-115
296-350-060	REP-P	00-05-058	296-350-460	REP-P	00-05-058	296-402-060	REP-P	00-07-137
296-350-060	REP	00-11-098	296-350-460	REP	00-11-098	296-402-060	REP	00-11-115
296-350-070	REP-P	00-05-058	296-350-470	REP-P	00-05-058	296-402-070	REP-P	00-07-137
296-350-070	REP	00-11-098	296-350-470	REP	00-11-098	296-402-070	REP	00-11-115

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402-080	REP-P	00-07-137	296-402A-200	NEW-P	00-07-137	296-402A-520	NEW-P	00-07-137
296-402-080	REP	00-11-115	296-402A-200	NEW	00-11-115	296-402A-520	NEW	00-11-115
296-402-090	REP-P	00-07-137	296-402A-210	NEW-P	00-07-137	296-402A-530	NEW-P	00-07-137
296-402-090	REP	00-11-115	296-402A-210	NEW	00-11-115	296-402A-530	NEW	00-11-115
296-402-100	REP-P	00-07-137	296-402A-220	NEW-P	00-07-137	296-402A-540	NEW-P	00-07-137
296-402-100	REP	00-11-115	296-402A-220	NEW	00-11-115	296-402A-540	NEW	00-11-115
296-402-110	REP-P	00-07-137	296-402A-230	NEW-P	00-07-137	296-402A-550	NEW-P	00-07-137
296-402-110	REP	00-11-115	296-402A-230	NEW	00-11-115	296-402A-550	NEW	00-11-115
296-402-120	REP-P	00-07-137	296-402A-240	NEW-P	00-07-137	296-402A-560	NEW-P	00-07-137
296-402-120	REP	00-11-115	296-402A-240	NEW	00-11-115	296-402A-560	NEW	00-11-115
296-402-130	REP-P	00-07-137	296-402A-250	NEW-P	00-07-137	296-402A-570	NEW-P	00-07-137
296-402-130	REP	00-11-115	296-402A-250	NEW	00-11-115	296-402A-570	NEW	00-11-115
296-402-140	REP-P	00-07-137	296-402A-260	NEW-P	00-07-137	296-402A-580	NEW-P	00-07-137
296-402-140	REP	00-11-115	296-402A-260	NEW	00-11-115	296-402A-580	NEW	00-11-115
296-402-150	REP-P	00-07-137	296-402A-270	NEW-P	00-07-137	296-402A-590	NEW-P	00-07-137
296-402-150	REP	00-11-115	296-402A-270	NEW	00-11-115	296-402A-590	NEW	00-11-115
296-402-160	REP-P	00-07-137	296-402A-290	NEW-P	00-07-137	296-402A-600	NEW-P	00-07-137
296-402-160	REP	00-11-115	296-402A-290	NEW	00-11-115	296-402A-600	NEW	00-11-115
296-402-170	REP-P	00-07-137	296-402A-300	NEW-P	00-07-137	296-402A-610	NEW-P	00-07-137
296-402-170	REP	00-11-115	296-402A-300	NEW	00-11-115	296-402A-610	NEW	00-11-115
296-402-180	REP-P	00-07-137	296-402A-310	NEW-P	00-07-137	296-402A-620	NEW-P	00-07-137
296-402-180	REP	00-11-115	296-402A-310	NEW	00-11-115	296-402A-620	NEW	00-11-115
296-402-190	REP-P	00-07-137	296-402A-320	NEW-P	00-07-137	296-402A-630	NEW-P	00-07-137
296-402-190	REP	00-11-115	296-402A-320	NEW	00-11-115	296-402A-630	NEW	00-11-115
296-402-200	REP-P	00-07-137	296-402A-330	NEW-P	00-07-137	296-402A-640	NEW-P	00-07-137
296-402-200	REP	00-11-115	296-402A-330	NEW	00-11-115	296-402A-640	NEW	00-11-115
296-402A-010	NEW-P	00-07-137	296-402A-340	NEW-P	00-07-137	296-402A-650	NEW-P	00-07-137
296-402A-010	NEW	00-11-115	296-402A-340	NEW	00-11-115	296-402A-650	NEW	00-11-115
296-402A-020	NEW-P	00-07-137	296-402A-350	NEW-P	00-07-137	296-402A-660	NEW-P	00-07-137
296-402A-020	NEW	00-11-115	296-402A-350	NEW	00-11-115	296-402A-660	NEW	00-11-115
296-402A-030	NEW-P	00-07-137	296-402A-360	NEW-P	00-07-137	296-402A-670	NEW-P	00-07-137
296-402A-030	NEW	00-11-115	296-402A-360	NEW	00-11-115	296-402A-670	NEW	00-11-115
296-402A-040	NEW-P	00-07-137	296-402A-370	NEW-P	00-07-137	296-402A-675	NEW	00-11-115
296-402A-040	NEW	00-11-115	296-402A-370	NEW	00-11-115	296-402A-680	NEW-P	00-07-137
296-402A-050	NEW-P	00-07-137	296-402A-380	NEW-P	00-07-137	296-402A-680	NEW	00-11-115
296-402A-050	NEW	00-11-115	296-402A-380	NEW	00-11-115	296-402A-690	NEW-P	00-07-137
296-402A-060	NEW-P	00-07-137	296-402A-390	NEW-P	00-07-137	296-402A-690	NEW	00-11-115
296-402A-060	NEW	00-11-115	296-402A-390	NEW	00-11-115	296-403	PREP	00-10-116
296-402A-070	NEW-P	00-07-137	296-402A-400	NEW-P	00-07-137	304- 12-030	AMD	00-11-028
296-402A-070	NEW	00-11-115	296-402A-400	NEW	00-11-115	304- 12-035	REP	00-11-028
296-402A-080	NEW-P	00-07-137	296-402A-410	NEW-P	00-07-137	304- 12-040	REP	00-11-028
296-402A-080	NEW	00-11-115	296-402A-410	NEW	00-11-115	304- 12-047	NEW	00-11-028
296-402A-090	NEW-P	00-07-137	296-402A-420	NEW-P	00-07-137	304- 12-050	REP	00-11-028
296-402A-090	NEW	00-11-115	296-402A-425	NEW-P	00-07-137	304- 12-070	REP	00-11-028
296-402A-100	NEW-P	00-07-137	296-402A-430	NEW-P	00-07-137	304- 12-125	AMD	00-11-028
296-402A-100	NEW	00-11-115	296-402A-430	NEW	00-11-115	304- 12-140	REP	00-11-028
296-402A-110	NEW-P	00-07-137	296-402A-440	NEW-P	00-07-137	304- 12-145	REP	00-11-028
296-402A-110	NEW	00-11-115	296-402A-440	NEW	00-11-115	304- 12-275	REP	00-11-028
296-402A-130	NEW-P	00-07-137	296-402A-450	NEW-P	00-07-137	304- 12-290	REP	00-11-028
296-402A-130	NEW	00-11-115	296-402A-450	NEW	00-11-115	304- 12-360	REP	00-11-028
296-402A-140	NEW-P	00-07-137	296-402A-460	NEW-P	00-07-137	304- 12-370	REP	00-11-028
296-402A-140	NEW	00-11-115	296-402A-460	NEW	00-11-115	304- 12-380	REP	00-11-028
296-402A-150	NEW-P	00-07-137	296-402A-470	NEW-P	00-07-137	304- 20	AMD	00-11-028
296-402A-150	NEW	00-11-115	296-402A-470	NEW	00-11-115	304- 20-005	NEW	00-11-028
296-402A-160	NEW-P	00-07-137	296-402A-480	NEW-P	00-07-137	304- 20-010	AMD	00-11-028
296-402A-160	NEW	00-11-115	296-402A-480	NEW	00-11-115	304- 20-020	REP	00-11-028
296-402A-170	NEW-P	00-07-137	296-402A-490	NEW-P	00-07-137	304- 20-030	REP	00-11-028
296-402A-170	NEW	00-11-115	296-402A-490	NEW	00-11-115	304- 20-040	REP	00-11-028
296-402A-180	NEW-P	00-07-137	296-402A-500	NEW-P	00-07-137	304- 20-050	AMD	00-11-028
296-402A-180	NEW	00-11-115	296-402A-500	NEW	00-11-115	304- 20-060	AMD	00-11-028
296-402A-190	NEW-P	00-07-137	296-402A-510	NEW-P	00-07-137	304- 20-065	NEW	00-11-028
296-402A-190	NEW	00-11-115	296-402A-510	NEW	00-11-115	304- 20-070	AMD	00-11-028

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
304- 20-090	REP	00-11-028	308- 57-110	PREP	00-06-001	308- 65-180	REP-P	00-09-071
304- 20-100	REP	00-11-028	308- 57-110	REP-P	00-09-019	308- 65-190	AMD-P	00-09-071
304- 20-990	REP	00-11-028	308- 57-110	REP-W	00-11-041	308- 72-500	PREP	00-08-063
308- 04-020	AMD-P	00-05-014	308- 57-120	PREP	00-06-001	308- 72-665	PREP	00-08-063
308- 04-020	AMD	00-08-032	308- 57-120	REP-P	00-09-019	308- 72-690	PREP	00-08-063
308- 12-321	PREP	00-11-172	308- 57-120	REP-W	00-11-041	308- 72-700	PREP	00-08-063
308- 12-322	PREP	00-11-172	308- 57-130	PREP	00-06-001	308- 72-710	PREP	00-08-063
308- 12-323	PREP	00-11-172	308- 57-130	REP-P	00-09-019	308- 72-720	NEW-P	00-05-014
308- 12-324	PREP	00-11-172	308- 57-130	REP-W	00-11-041	308- 72-720	NEW	00-08-032
308- 12-325	PREP	00-11-172	308- 57-135	PREP	00-06-001	308- 77	PREP	00-03-037
308- 29-010	PREP	00-12-002	308- 57-135	REP-P	00-09-019	308- 77-045	PREP	00-03-037
308- 29-020	PREP	00-12-002	308- 57-135	REP-W	00-11-041	308- 77-045	REP-P	00-11-037
308- 29-025	PREP	00-12-002	308- 57-140	PREP	00-06-001	308- 77-155	PREP	00-03-037
308- 29-030	PREP	00-12-002	308- 57-140	REP-P	00-09-019	308- 77-155	AMD-P	00-11-037
308- 29-050	PREP	00-12-002	308- 57-140	REP-W	00-11-041	308- 77-165	PREP	00-03-037
308- 29-060	PREP	00-12-002	308- 57-210	PREP	00-06-001	308- 77-165	AMD-P	00-11-037
308- 29-070	PREP	00-12-002	308- 57-210	REP-P	00-09-019	308- 77-170	PREP	00-03-037
308- 29-080	PREP	00-12-002	308- 57-210	REP-W	00-11-041	308- 77-170	AMD-P	00-11-037
308- 29-090	PREP	00-12-002	308- 57-230	PREP	00-06-001	308- 77-180	PREP	00-03-037
308- 29-100	PREP	00-12-002	308- 57-230	REP-P	00-09-019	308- 77-180	AMD-P	00-11-037
308- 29-110	PREP	00-12-002	308- 57-230	REP-W	00-11-041	308- 77-215	PREP	00-08-062
308- 29-120	PREP	00-12-002	308- 57-240	PREP	00-06-001	308- 77-240	PREP	00-03-037
308- 56A	PREP	00-07-092	308- 57-240	REP-P	00-09-019	308- 77-240	AMD-P	00-11-037
308- 56A-020	PREP	00-07-092	308- 57-240	REP-W	00-11-041	308- 77-265	PREP	00-03-037
308- 56A-021	PREP	00-07-092	308- 57-500	PREP	00-06-001	308- 77-265	AMD-P	00-11-037
308- 56A-022	PREP	00-07-092	308- 57-500	REP-P	00-09-019	308- 77-270	PREP	00-03-037
308- 56A-023	PREP	00-07-092	308- 57-500	REP-W	00-11-041	308- 77-270	REP-P	00-11-037
308- 56A-090	PREP	00-07-092	308- 58-010	REP	00-06-025	308- 77-280	PREP	00-03-037
308- 56A-335	PREP	00-09-018	308- 58-020	REP	00-06-025	308- 77-280	AMD-P	00-11-037
308- 56A-355	PREP	00-09-018	308- 58-030	REP	00-06-025	308- 77-290	NEW-P	00-05-014
308- 56A-450	AMD	00-04-046	308- 58-040	REP	00-06-025	308- 77-290	NEW	00-08-032
308- 56A-455	AMD	00-04-046	308- 58-050	REP	00-06-025	308- 78-010	PREP	00-08-064
308- 56A-460	AMD	00-06-025	308- 63	PREP	00-06-007	308- 78-100	NEW-P	00-05-014
308- 56A-465	REP	00-04-046	308- 63-020	AMD-P	00-09-069	308- 78-100	NEW	00-08-032
308- 56A-470	REP	00-04-046	308- 63-030	AMD-P	00-09-069	308- 80	PREP	00-06-032
308- 56A-500	AMD	00-06-004	308- 63-040	AMD-P	00-09-069	308- 80-015	AMD-P	00-09-070
308- 56A-500	AMD-P	00-09-007	308- 63-050	AMD-P	00-09-069	308- 80-020	AMD-P	00-09-070
308- 56A-505	AMD	00-06-004	308- 63-060	AMD-P	00-09-069	308- 88-010	REP	00-06-024
308- 56A-510	REP	00-06-004	308- 63-070	AMD-P	00-09-069	308- 88-020	AMD	00-06-024
308- 56A-515	REP	00-06-004	308- 63-080	AMD-P	00-09-069	308- 88-030	REP	00-06-024
308- 56A-520	REP	00-06-004	308- 63-090	AMD-P	00-09-069	308- 88-040	REP	00-06-024
308- 56A-610	REP	00-06-020	308- 63-100	AMD-P	00-09-069	308- 88-050	REP	00-06-024
308- 56A-620	AMD	00-06-020	308- 63-110	AMD-P	00-09-069	308- 88-170	REP	00-06-024
308- 56A-620	REP-P	00-09-007	308- 63-120	AMD-P	00-09-069	308- 90	PREP	00-06-033
308- 56A-640	AMD	00-06-020	308- 63-130	AMD-P	00-09-069	308- 91-090	PREP	00-03-038
308- 56A-650	REP	00-06-020	308- 63-140	AMD-P	00-09-069	308- 91-090	AMD-P	00-11-037
308- 56A-660	REP	00-06-020	308- 63-150	REP-P	00-09-069	308- 91-150	AMD-P	00-05-014
308- 56A-670	REP	00-06-020	308- 63-160	AMD-P	00-09-069	308- 91-150	AMD	00-08-032
308- 56A-680	REP	00-06-020	308- 65	PREP	00-06-031	308- 93-010	AMD-P	00-07-065
308- 56A-690	REP	00-06-020	308- 65-020	AMD-P	00-09-071	308- 93-010	PREP	00-07-107
308- 57-005	PREP	00-06-001	308- 65-030	AMD-P	00-09-071	308- 93-010	AMD	00-11-131
308- 57-005	REP-P	00-09-019	308- 65-040	AMD-P	00-09-071	308- 93-030	PREP	00-07-107
308- 57-005	REP-W	00-11-041	308- 65-050	AMD-P	00-09-071	308- 93-050	PREP	00-07-107
308- 57-010	PREP	00-06-001	308- 65-060	AMD-P	00-09-071	308- 93-055	PREP	00-07-107
308- 57-010	REP-P	00-09-019	308- 65-080	AMD-P	00-09-071	308- 93-056	PREP	00-07-107
308- 57-010	REP-W	00-11-041	308- 65-090	AMD-P	00-09-071	308- 93-060	PREP	00-07-105
308- 57-020	PREP	00-06-001	308- 65-100	AMD-P	00-09-071	308- 93-069	PREP	00-07-105
308- 57-020	REP-P	00-09-019	308- 65-110	AMD-P	00-09-071	308- 93-070	PREP	00-07-105
308- 57-020	REP-W	00-11-041	308- 65-130	AMD-P	00-09-071	308- 93-071	PREP	00-07-105
308- 57-030	PREP	00-06-001	308- 65-140	AMD-P	00-09-071	308- 93-073	PREP	00-07-105
308- 57-030	REP-P	00-09-019	308- 65-150	AMD-P	00-09-071	308- 93-078	PREP	00-07-105
308- 57-030	REP-W	00-11-041	308- 65-170	AMD-P	00-09-071	308- 93-079	PREP	00-07-107

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-93-090	PREP	00-07-107	308-96A-176	PREP	00-07-108	308-124H-012	NEW	00-08-035
308-93-145	AMD-P	00-05-056	308-96A-176	AMD-P	00-09-019	308-124H-013	NEW-P	00-03-063
308-93-145	AMD	00-09-065	308-96A-176	AMD-W	00-11-041	308-124H-013	NEW	00-08-035
308-93-165	REP-P	00-05-049	308-96A-180	PREP	00-06-001	308-124H-021	REP-P	00-03-063
308-93-165	REP	00-09-065	308-96A-180	AMD-P	00-09-019	308-124H-021	REP	00-08-035
308-93-200	PREP	00-07-106	308-96A-180	AMD-W	00-11-041	308-124H-025	AMD-P	00-03-063
308-93-220	PREP	00-07-106	308-96A-202	PREP	00-06-001	308-124H-025	AMD	00-08-035
308-93-230	PREP	00-07-106	308-96A-202	AMD-P	00-09-019	308-124H-026	NEW-P	00-03-063
308-93-241	PREP	00-07-104	308-96A-202	AMD-W	00-11-041	308-124H-026	NEW	00-08-035
308-93-242	PREP	00-07-104	308-96A-203	PREP	00-06-001	308-124H-027	NEW-P	00-03-063
308-93-243	PREP	00-07-104	308-96A-203	AMD-P	00-09-019	308-124H-027	NEW	00-08-035
308-93-244	PREP	00-07-104	308-96A-203	AMD-W	00-11-041	308-124H-028	NEW-P	00-03-063
308-93-245	PREP	00-07-104	308-96A-306	PREP	00-08-043	308-124H-028	NEW	00-08-035
308-93-285	PREP	00-07-105	308-96A-306	AMD-P	00-11-120	308-124H-029	NEW-P	00-03-063
308-93-295	PREP	00-07-106	308-96A-311	PREP	00-08-043	308-124H-029	NEW	00-08-035
308-93-350	PREP	00-07-105	308-96A-312	PREP	00-08-043	308-124H-031	NEW-P	00-03-063
308-93-360	PREP	00-07-105	308-96A-313	PREP	00-08-043	308-124H-031	NEW	00-08-035
308-93-440	PREP	00-07-093	308-96A-314	PREP	00-08-043	308-124H-034	NEW-P	00-03-063
308-93-440	AMD-P	00-12-084	308-96A-316	PREP	00-08-043	308-124H-034	NEW	00-08-035
308-93-450	PREP	00-07-093	308-96A-345	AMD	00-03-057	308-124H-039	NEW-P	00-03-063
308-93-450	AMD-P	00-12-084	308-96A-350	AMD	00-03-057	308-124H-039	NEW	00-08-035
308-93-460	PREP	00-07-093	308-96A-355	AMD	00-03-057	308-124H-041	AMD-P	00-03-063
308-93-460	AMD-P	00-12-084	308-96A-360	REP	00-03-057	308-124H-041	AMD	00-08-035
308-93-470	PREP	00-07-093	308-96A-365	AMD	00-03-057	308-124H-042	NEW-P	00-03-063
308-93-470	AMD-P	00-12-084	308-96A-370	REP	00-03-057	308-124H-042	NEW	00-08-035
308-93-640	PREP	00-07-105	308-96A-375	REP	00-03-057	308-124H-051	AMD-P	00-03-063
308-93-650	AMD-P	00-05-049	308-96A-380	REP	00-03-057	308-124H-051	AMD	00-08-035
308-93-650	AMD	00-09-065	308-96A-400	PREP	00-06-001	308-124H-061	AMD-P	00-03-063
308-94	PREP	00-06-034	308-96A-400	REP-P	00-09-019	308-124H-061	AMD	00-08-035
308-94-010	REP-P	00-05-050	308-96A-400	REP-W	00-11-041	308-124H-062	AMD-P	00-03-063
308-94-010	REP	00-09-066	308-96A-410	PREP	00-06-001	308-124H-062	AMD	00-08-035
308-94-030	PREP	00-07-094	308-96A-410	REP-P	00-09-019	308-124H-210	AMD-P	00-03-063
308-94-050	PREP	00-07-094	308-96A-410	REP-W	00-11-041	308-124H-210	AMD	00-08-035
308-94-080	PREP	00-07-094	308-96A-550	PREP	00-07-108	308-124H-220	REP-P	00-03-063
308-94-100	PREP	00-07-094	308-96A-560	PREP	00-07-108	308-124H-220	REP	00-08-035
308-94-160	REP-P	00-05-050	308-97-011	NEW	00-07-053	308-124H-221	NEW-P	00-03-063
308-94-160	REP	00-09-066	308-97-230	PREP	00-06-001	308-124H-221	NEW	00-08-035
308-96A-005	AMD-P	00-03-094	308-97-230	AMD-P	00-09-019	308-124H-230	AMD-P	00-03-063
308-96A-005	AMD	00-09-008	308-97-230	AMD-W	00-11-041	308-124H-230	AMD	00-08-035
308-96A-065	PREP	00-07-108	308-99-010	REP-P	00-07-126	308-124H-240	REP-P	00-03-063
308-96A-066	PREP	00-07-108	308-99-010	REP-W	00-09-009	308-124H-240	REP	00-08-035
308-96A-067	PREP	00-07-108	308-99-020	AMD-P	00-07-126	308-124H-245	NEW-P	00-03-063
308-96A-068	PREP	00-07-108	308-99-020	AMD-W	00-09-009	308-124H-245	NEW	00-08-035
308-96A-070	PREP	00-07-108	308-99-021	REP-P	00-07-126	308-124H-246	NEW-P	00-03-063
308-96A-071	PREP	00-07-108	308-99-021	REP-W	00-09-009	308-124H-246	NEW	00-08-035
308-96A-072	PREP	00-07-108	308-99-025	REP-P	00-07-126	308-124H-260	AMD-P	00-03-063
308-96A-073	PREP	00-07-108	308-99-025	REP-W	00-09-009	308-124H-260	AMD	00-08-035
308-96A-074	PREP	00-07-108	308-99-030	REP-P	00-07-126	308-124H-270	AMD-P	00-03-063
308-96A-099	PREP	00-06-001	308-99-030	REP-W	00-09-009	308-124H-270	AMD	00-08-035
308-96A-099	AMD-P	00-09-019	308-99-040	AMD-P	00-07-126	308-124H-290	AMD-P	00-03-063
308-96A-099	AMD-W	00-11-041	308-99-040	AMD-W	00-09-009	308-124H-290	AMD	00-08-035
308-96A-135	PREP	00-06-001	308-99-050	REP-P	00-07-126	308-124H-300	AMD-P	00-03-063
308-96A-135	REP-P	00-09-019	308-99-050	REP-W	00-09-009	308-124H-300	AMD	00-08-035
308-96A-135	REP-W	00-11-041	308-99-060	NEW-P	00-07-126	308-124H-310	AMD-P	00-03-063
308-96A-145	PREP	00-06-001	308-99-060	NEW-W	00-09-009	308-124H-310	AMD	00-08-035
308-96A-145	AMD-P	00-09-019	308-124-021	AMD-P	00-03-063	308-124H-320	AMD-P	00-03-063
308-96A-145	AMD-W	00-11-041	308-124-021	AMD	00-08-035	308-124H-320	AMD	00-08-035
308-96A-175	PREP	00-06-001	308-124E-013	AMD-P	00-03-063	308-124H-510	AMD-P	00-03-063
308-96A-175	PREP	00-07-108	308-124E-013	AMD	00-08-035	308-124H-510	AMD	00-08-035
308-96A-175	AMD-P	00-09-019	308-124H-011	AMD-P	00-03-063	308-124H-520	REP-P	00-03-063
308-96A-175	AMD-W	00-11-041	308-124H-011	AMD	00-08-035	308-124H-520	REP	00-08-035
308-96A-176	PREP	00-06-001	308-124H-012	NEW-P	00-03-063	308-124H-525	NEW-P	00-03-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-124H-525	NEW	00-08-035	314- 02-090	NEW	00-07-091	314- 56-020	REP-XR	00-02-086
308-124H-530	AMD-P	00-03-063	314- 02-095	NEW	00-07-091	314- 56-020	REP	00-12-012
308-124H-530	AMD	00-08-035	314- 02-100	NEW	00-07-091	314- 60	PREP	00-02-088
308-124H-551	NEW-P	00-03-063	314- 02-105	NEW	00-07-091	314- 62	PREP	00-02-088
308-124H-551	NEW	00-08-035	314- 02-110	NEW	00-07-091	314- 64	PREP	00-02-087
308-124H-580	AMD-P	00-03-063	314- 02-115	NEW	00-07-091	314- 76-010	PREP	00-02-087
308-124H-580	AMD	00-08-035	314- 02-120	NEW	00-07-091	314- 78-010	REP-XR	00-02-086
308-124H-800	AMD-P	00-03-063	314- 02-125	NEW	00-07-091	314- 78-010	REP	00-12-012
308-124H-800	AMD	00-08-035	314- 02-130	NEW	00-07-091	315- 04-020	PREP	00-11-016
308-125-200	AMD	00-04-057	314- 15-010	REP	00-07-117	315- 06-120	PREP	00-05-059
308-129-100	AMD-P	00-08-005	314- 15-020	REP	00-07-117	315- 06-120	AMD-P	00-07-130
308-129-100	AMD	00-11-047	314- 15-030	REP	00-07-117	315- 06-120	AMD	00-12-032
308-129-230	REP-P	00-08-005	314- 15-040	REP	00-07-117	315- 11A-165	REP-XR	00-02-055
308-129-230	REP	00-11-047	314- 15-050	REP	00-07-117	315- 11A-165	REP	00-07-131
308-300-010	PREP	00-08-067	314- 16-040	AMD-XA	00-07-116	315- 11A-187	REP-XR	00-02-055
308-300-020	PREP	00-08-067	314- 16-040	AMD	00-12-051	315- 11A-187	REP	00-07-131
308-300-030	PREP	00-08-067	314- 16-055	REP	00-07-117	315- 11A-188	REP-XR	00-02-055
308-300-040	PREP	00-08-067	314- 16-115	REP	00-07-117	315- 11A-188	REP	00-07-131
308-300-050	PREP	00-08-067	314- 16-130	REP-P	00-09-095	315- 11A-189	REP-XR	00-02-055
308-300-060	PREP	00-08-067	314- 16-130	REP-W	00-12-030	315- 11A-189	REP	00-07-131
308-300-070	PREP	00-08-067	314- 16-140	REP	00-07-117	315- 11A-190	REP-XR	00-02-055
308-300-075	PREP	00-08-067	314- 16-180	REP	00-07-117	315- 11A-190	REP	00-07-131
308-300-080	PREP	00-08-067	314- 16-190	AMD-XA	00-07-116	315- 11A-191	REP-XR	00-02-055
308-300-090	PREP	00-08-067	314- 16-190	REP-W	00-12-030	315- 11A-191	REP	00-07-131
308-300-100	PREP	00-08-067	314- 16-190	AMD	00-12-051	315- 11A-192	REP-XR	00-02-055
308-300-110	PREP	00-08-067	314- 16-196	AMD-XA	00-07-116	315- 11A-192	REP	00-07-131
308-300-120	PREP	00-08-067	314- 16-196	REP-W	00-12-030	315- 11A-193	REP-XR	00-02-055
308-300-130	PREP	00-08-067	314- 16-196	AMD	00-12-051	315- 11A-193	REP	00-07-131
308-300-140	PREP	00-08-067	314- 16-197	REP	00-07-117	315- 11A-194	REP-XR	00-02-055
308-300-150	PREP	00-08-067	314- 16-199	REP	00-07-117	315- 11A-194	REP	00-07-131
308-300-160	PREP	00-08-067	314- 16-200	REP	00-07-117	315- 11A-195	REP-XR	00-02-055
308-300-170	PREP	00-08-067	314- 16-205	REP	00-07-117	315- 11A-195	REP	00-07-131
308-300-180	PREP	00-08-067	314- 16-210	REP	00-07-117	315- 11A-196	REP-XR	00-02-055
308-300-190	PREP	00-08-067	314- 16-240	REP	00-07-117	315- 11A-196	REP	00-07-131
308-300-200	PREP	00-08-067	314- 16-250	REP	00-12-011	315- 11A-197	REP-XR	00-02-055
308-320	PREP	00-10-029	314- 19-005	NEW-P	00-09-095	315- 11A-197	REP	00-07-131
308-320-010	PREP	00-10-029	314- 19-010	NEW-P	00-09-095	315- 11A-198	REP-XR	00-02-055
308-320-020	PREP	00-10-029	314- 19-015	NEW-P	00-09-095	315- 11A-198	REP	00-07-131
308-320-030	PREP	00-10-029	314- 19-020	NEW-P	00-09-095	315- 11A-199	REP-XR	00-02-055
308-320-040	PREP	00-10-029	314- 19-025	NEW-P	00-09-095	315- 11A-199	REP	00-07-131
308-320-050	PREP	00-10-029	314- 19-030	NEW-P	00-09-095	315- 11A-200	REP-XR	00-02-055
308-320-060	PREP	00-10-029	314- 19-035	NEW-P	00-09-095	315- 11A-200	REP	00-07-131
308-320-070	PREP	00-10-029	314- 19-040	NEW-P	00-09-095	315- 11A-201	REP-XR	00-02-055
308-320-080	PREP	00-10-029	314- 20-010	REP-P	00-09-095	315- 11A-201	REP	00-07-131
308-320-090	PREP	00-10-029	314- 20-015	AMD-P	00-09-095	315- 11A-202	REP-XR	00-02-055
314- 02-005	NEW	00-07-091	314- 20-040	REP-P	00-09-095	315- 11A-202	REP	00-07-131
314- 02-010	NEW	00-07-091	314- 20-060	REP-P	00-09-095	315- 11A-203	REP-XR	00-02-055
314- 02-015	NEW	00-07-091	314- 20-150	REP-P	00-09-095	315- 11A-203	REP	00-07-131
314- 02-020	NEW	00-07-091	314- 20-160	AMD-P	00-09-095	315- 11A-204	REP-XR	00-02-055
314- 02-025	NEW	00-07-091	314- 20-170	AMD-P	00-09-095	315- 11A-204	REP	00-07-131
314- 02-030	NEW	00-07-091	314- 20-180	REP-P	00-09-095	315- 11A-205	REP-XR	00-02-055
314- 02-035	NEW	00-07-091	314- 24-095	REP-P	00-09-095	315- 11A-205	REP	00-07-131
314- 02-040	NEW	00-07-091	314- 24-110	REP-P	00-09-095	315- 11A-206	REP-XR	00-02-055
314- 02-045	NEW	00-07-091	314- 24-120	AMD-P	00-09-095	315- 11A-206	REP	00-07-131
314- 02-050	NEW	00-07-091	314- 24-160	AMD-P	00-09-095	315- 11A-207	REP-XR	00-02-055
314- 02-055	NEW	00-07-091	314- 26-010	REP-P	00-09-095	315- 11A-207	REP	00-07-131
314- 02-060	NEW	00-07-091	314- 37	PREP	00-02-087	315- 11A-208	REP-XR	00-02-055
314- 02-065	NEW	00-07-091	314- 42-010	NEW-P	00-02-089	315- 11A-208	REP	00-07-131
314- 02-070	NEW	00-07-091	314- 42-010	NEW	00-06-016	315- 11A-209	REP-XR	00-02-055
314- 02-075	NEW	00-07-091	314- 48-010	PREP	00-02-087	315- 11A-209	REP	00-07-131
314- 02-080	NEW	00-07-091	314- 56-010	REP-XR	00-02-086	315- 11A-210	REP-XR	00-02-055
314- 02-085	NEW	00-07-091	314- 56-010	REP	00-12-012	315- 11A-210	REP	00-07-131

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315- 11A-211	REP-XR	00-02-055	352- 32-285	PREP	00-04-081	363-116-300	AMD	00-11-119
315- 11A-211	REP	00-07-131	352- 32-285	AMD-P	00-10-117	365- 18-010	NEW	00-09-060
315- 11A-212	REP-XR	00-02-055	352- 32-290	AMD-P	00-10-117	365- 18-020	NEW	00-09-060
315- 11A-212	REP	00-07-131	352- 32-330	AMD-P	00-10-117	365- 18-030	NEW	00-09-060
315- 11A-213	REP-XR	00-02-055	352- 64	PREP	00-12-095	365- 18-040	NEW	00-09-060
315- 11A-213	REP	00-07-131	352- 65	PREP	00-12-095	365- 18-050	NEW	00-09-060
315- 11A-214	REP-XR	00-02-055	352- 70	PREP	00-12-094	365- 18-060	NEW	00-09-060
315- 11A-214	REP	00-07-131	352- 76	PREP	00-12-095	365- 18-070	NEW	00-09-060
317- 10	PREP	00-05-096	356- 14-045	AMD-P	00-04-052	365- 18-080	NEW	00-09-060
317- 21-130	REP-XR	00-12-091	356- 14-045	AMD-C	00-06-050	365- 18-090	NEW	00-09-060
317- 21-200	REP-XR	00-12-091	356- 14-045	AMD	00-10-026	365- 18-100	NEW	00-09-060
317- 21-205	REP-XR	00-12-091	356- 14-070	AMD-P	00-12-074	365- 18-110	NEW	00-09-060
317- 21-210	REP-XR	00-12-091	356- 14-140	AMD-P	00-12-073	365- 18-120	NEW	00-09-060
317- 21-215	REP-XR	00-12-091	356- 15-100	AMD-W	00-10-025	365-120	AMD	00-05-020
317- 21-220	REP-XR	00-12-091	356- 15-110	AMD-W	00-10-025	365-120-010	AMD	00-05-020
317- 21-225	REP-XR	00-12-091	356- 22-220	AMD-P	00-12-072	365-120-020	AMD	00-05-020
317- 21-230	REP-XR	00-12-091	356- 26-040	AMD-P	00-04-052	365-120-030	AMD	00-05-020
317- 21-235	REP-XR	00-12-091	356- 26-040	AMD-C	00-06-050	365-120-040	AMD	00-05-020
317- 21-240	REP-XR	00-12-091	356- 26-040	AMD	00-10-026	365-120-050	AMD	00-05-020
317- 21-245	REP-XR	00-12-091	356- 30-075	AMD-P	00-04-052	365-120-060	AMD	00-05-020
317- 21-250	REP-XR	00-12-091	356- 30-075	AMD-C	00-06-050	365-120-070	NEW	00-05-020
317- 21-255	REP-XR	00-12-091	356- 30-075	AMD	00-10-026	365-120-080	NEW	00-05-020
317- 21-260	REP-XR	00-12-091	356- 30-331	AMD-P	00-06-047	365-120-090	NEW	00-05-020
317- 21-265	REP-XR	00-12-091	356- 30-331	AMD	00-11-122	365-135-020	AMD	00-02-061
317- 21-540	REP-XR	00-12-091	359- 14-010	NEW-P	00-04-054	365-195-900	NEW-P	00-03-066
326- 30-041	PREP	00-10-105	359- 14-010	NEW-C	00-06-049	365-195-905	NEW-P	00-03-066
332-130-050	AMD-P	00-08-034	359- 14-010	NEW	00-10-028	365-195-910	NEW-P	00-03-066
352- 04	PREP	00-12-096	359- 14-020	NEW-P	00-04-054	365-195-915	NEW-P	00-03-066
352- 32	PREP	00-04-081	359- 14-020	NEW-C	00-06-049	365-195-920	NEW-P	00-03-066
352- 32-010	AMD-P	00-10-117	359- 14-020	NEW	00-10-028	365-195-925	NEW-P	00-03-066
352- 32-011	AMD-P	00-10-117	359- 14-030	NEW-P	00-04-054	365-197-010	NEW-P	00-03-067
352- 32-030	AMD-P	00-10-117	359- 14-030	NEW-C	00-06-049	365-197-020	NEW-P	00-03-067
352- 32-040	AMD-P	00-10-117	359- 14-030	NEW	00-10-028	365-197-030	NEW-P	00-03-067
352- 32-045	AMD-P	00-10-117	359- 14-050	NEW-P	00-04-054	365-197-040	NEW-P	00-03-067
352- 32-050	AMD-P	00-10-117	359- 14-050	NEW-C	00-06-049	365-197-050	NEW-P	00-03-067
352- 32-053	AMD-P	00-10-117	359- 14-050	NEW	00-10-028	365-197-060	NEW-P	00-03-067
352- 32-056	AMD-P	00-10-117	359- 14-070	NEW-P	00-04-054	365-197-070	NEW-P	00-03-067
352- 32-060	AMD-P	00-10-117	359- 14-070	NEW-C	00-06-049	365-197-080	NEW-P	00-03-067
352- 32-070	AMD-P	00-10-117	359- 14-070	NEW	00-10-028	388- 02-0005	NEW-P	00-10-034
352- 32-075	AMD-P	00-10-117	359- 14-080	NEW-P	00-04-054	388- 02-0010	NEW-P	00-10-034
352- 32-080	AMD-P	00-10-117	359- 14-080	NEW-C	00-06-049	388- 02-0015	NEW-P	00-10-034
352- 32-085	AMD-P	00-10-117	359- 14-080	NEW	00-10-028	388- 02-0020	NEW-P	00-10-034
352- 32-090	AMD-P	00-10-117	359- 14-100	NEW-P	00-04-054	388- 02-0025	NEW-P	00-10-034
352- 32-100	AMD-P	00-10-117	359- 14-100	NEW-C	00-06-049	388- 02-0030	NEW-P	00-10-034
352- 32-110	AMD-P	00-10-117	359- 14-100	NEW	00-10-028	388- 02-0035	NEW-P	00-10-034
352- 32-120	AMD-P	00-10-117	359- 14-130	NEW-P	00-04-054	388- 02-0040	NEW-P	00-10-034
352- 32-130	AMD-P	00-10-117	359- 14-130	NEW-C	00-06-049	388- 02-0045	NEW-P	00-10-034
352- 32-150	AMD-P	00-10-117	359- 14-130	NEW	00-10-028	388- 02-0050	NEW-P	00-10-034
352- 32-15001	AMD-P	00-10-117	359- 40-010	NEW-P	00-04-054	388- 02-0055	NEW-P	00-10-034
352- 32-155	AMD-P	00-10-117	359- 40-010	NEW-C	00-06-049	388- 02-0060	NEW-P	00-10-034
352- 32-157	AMD-P	00-10-117	359- 40-010	NEW	00-10-028	388- 02-0065	NEW-P	00-10-034
352- 32-165	AMD-P	00-10-117	359- 40-020	NEW-P	00-04-054	388- 02-0070	NEW-P	00-10-034
352- 32-195	AMD-P	00-10-117	359- 40-020	NEW-C	00-06-049	388- 02-0075	NEW-P	00-10-034
352- 32-200	AMD-P	00-10-117	359- 40-020	NEW	00-10-028	388- 02-0080	NEW-P	00-10-034
352- 32-210	AMD-P	00-10-117	359- 40-050	NEW-P	00-04-054	388- 02-0085	NEW-P	00-10-034
352- 32-215	AMD-P	00-10-117	359- 40-050	NEW-C	00-06-049	388- 02-0090	NEW-P	00-10-034
352- 32-230	AMD-P	00-10-117	359- 40-050	NEW	00-10-028	388- 02-0095	NEW-P	00-10-034
352- 32-235	AMD-P	00-10-117	359- 40-060	NEW-P	00-04-054	388- 02-0100	NEW-P	00-10-034
352- 32-250	AMD-P	00-10-117	359- 40-060	NEW-C	00-06-049	388- 02-0105	NEW-P	00-10-034
352- 32-251	AMD-P	00-10-117	359- 40-060	NEW	00-10-028	388- 02-0110	NEW-P	00-10-034
352- 32-255	AMD-P	00-10-117	363-116-185	AMD-P	00-10-074	388- 02-0115	NEW-P	00-10-034
352- 32-280	AMD-P	00-10-117	363-116-300	AMD-P	00-08-106	388- 02-0120	NEW-P	00-10-034

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 11-285	PREP	00-06-039	388- 14-385	PREP	00-06-039	388- 15-19600	REP	00-03-043
388- 11-285	REP-P	00-10-096	388- 14-386	PREP	00-06-039	388- 15-19610	REP	00-03-043
388- 11-290	PREP	00-06-039	388- 14-387	PREP	00-06-039	388- 15-19620	REP	00-03-043
388- 11-290	REP-P	00-10-096	388- 14-388	PREP	00-06-039	388- 15-19630	REP	00-03-043
388- 11-295	PREP	00-06-039	388- 14-390	PREP	00-06-039	388- 15-19640	REP	00-03-043
388- 11-295	REP-P	00-10-096	388- 14-395	PREP	00-06-039	388- 15-19650	REP	00-03-043
388- 11-300	PREP	00-06-039	388- 14-410	PREP	00-06-039	388- 15-19660	REP	00-03-043
388- 11-305	PREP	00-06-039	388- 14-415	PREP	00-06-039	388- 15-19670	REP	00-03-043
388- 11-305	AMD-P	00-10-096	388- 14-420	PREP	00-06-039	388- 15-19680	REP	00-03-043
388- 11-310	PREP	00-06-039	388- 14-421	PREP	00-06-039	388- 15-198	REP	00-03-043
388- 11-310	AMD-P	00-10-096	388- 14-422	PREP	00-06-039	388- 15-200	REP	00-04-056
388- 11-315	PREP	00-06-039	388- 14-423	PREP	00-06-039	388- 15-201	REP	00-04-056
388- 11-315	REP-P	00-06-068	388- 14-424	PREP	00-06-039	388- 15-202	PREP	00-11-092
388- 11-315	REP	00-09-076	388- 14-427	PREP	00-06-039	388- 15-203	PREP	00-11-092
388- 11-320	PREP	00-06-039	388- 14-435	PREP	00-06-039	388- 15-204	PREP	00-11-092
388- 11-325	PREP	00-06-039	388- 14-440	PREP	00-06-039	388- 15-205	PREP	00-11-092
388- 11-330	PREP	00-06-039	388- 14-445	PREP	00-06-039	388- 15-206	REP	00-04-056
388- 11-335	PREP	00-06-039	388- 14-445	REP-P	00-10-096	388- 15-207	REP	00-04-056
388- 11-340	PREP	00-06-039	388- 14-450	PREP	00-06-039	388- 15-209	REP	00-04-056
388- 11-400	PREP	00-06-039	388- 14-460	PREP	00-06-039	388- 15-214	REP	00-04-056
388- 11-400	REP-P	00-10-096	388- 14-480	PREP	00-06-039	388- 15-215	REP	00-04-056
388- 11-410	PREP	00-06-039	388- 14-490	PREP	00-06-039	388- 15-219	REP	00-04-056
388- 11-410	REP-P	00-10-096	388- 14-495	PREP	00-06-039	388- 15-222	REP	00-04-056
388- 11-415	PREP	00-06-039	388- 14-500	PREP	00-06-039	388- 15-548	REP	00-04-056
388- 11-415	REP-P	00-10-096	388- 14-510	PREP	00-06-039	388- 15-551	REP	00-04-056
388- 11-420	PREP	00-06-039	388- 14-520	PREP	00-06-039	388- 15-552	REP	00-04-056
388- 11-420	REP-P	00-10-096	388- 14-530	PREP	00-06-039	388- 15-553	REP	00-04-056
388- 11-425	PREP	00-06-039	388- 14-540	PREP	00-06-039	388- 15-554	REP	00-04-056
388- 11-425	REP-P	00-10-096	388- 14-550	PREP	00-06-039	388- 15-555	REP	00-04-056
388- 11-430	PREP	00-06-039	388- 14-560	PREP	00-06-039	388- 15-560	REP	00-04-056
388- 11-430	REP-P	00-10-096	388- 14-570	PREP	00-06-039	388- 15-562	REP	00-04-056
388- 13	PREP	00-06-039	388- 14A-3100	NEW-P	00-10-096	388- 15-563	REP	00-04-056
388- 14-010	PREP	00-06-039	388- 14A-3102	NEW-P	00-10-096	388- 15-564	REP	00-04-056
388- 14-020	PREP	00-06-039	388- 14A-3105	NEW-P	00-10-096	388- 15-566	REP	00-04-056
388- 14-030	PREP	00-06-039	388- 14A-3110	NEW-P	00-10-096	388- 15-568	REP	00-04-056
388- 14-035	PREP	00-06-039	388- 14A-3115	NEW-P	00-10-096	388- 15-600	REP	00-04-056
388- 14-040	PREP	00-06-039	388- 14A-3120	NEW-P	00-10-096	388- 15-610	REP-P	00-10-033
388- 14-045	PREP	00-06-039	388- 14A-3125	NEW-P	00-10-096	388- 15-620	REP	00-04-056
388- 14-050	PREP	00-06-039	388- 14A-3130	NEW-P	00-10-096	388- 15-630	REP	00-04-056
388- 14-100	PREP	00-06-039	388- 14A-3131	NEW-P	00-10-096	388- 15-650	PREP	00-08-049
388- 14-200	PREP	00-06-039	388- 14A-3132	NEW-P	00-10-096	388- 15-651	PREP	00-08-049
388- 14-201	PREP	00-06-039	388- 14A-3133	NEW-P	00-10-096	388- 15-652	PREP	00-08-049
388- 14-202	PREP	00-06-039	388- 14A-3135	NEW-P	00-10-096	388- 15-653	PREP	00-08-049
388- 14-203	PREP	00-06-039	388- 14A-3140	NEW-P	00-10-096	388- 15-654	PREP	00-08-049
388- 14-205	PREP	00-06-039	388- 14A-3200	NEW-P	00-10-096	388- 15-655	PREP	00-08-049
388- 14-210	PREP	00-06-039	388- 14A-3205	NEW-P	00-10-096	388- 15-656	PREP	00-08-049
388- 14-220	PREP	00-06-039	388- 14A-3850	NEW-P	00-06-068	388- 15-657	PREP	00-08-049
388- 14-250	PREP	00-06-039	388- 14A-3850	NEW	00-09-076	388- 15-658	PREP	00-08-049
388- 14-260	PREP	00-06-039	388- 14A-3855	NEW-P	00-06-068	388- 15-659	PREP	00-08-049
388- 14-270	PREP	00-06-039	388- 14A-3855	NEW	00-09-076	388- 15-660	PREP	00-08-049
388- 14-271	PREP	00-06-039	388- 14A-3860	NEW-P	00-06-068	388- 15-661	PREP	00-08-049
388- 14-272	PREP	00-06-039	388- 14A-3860	NEW	00-09-076	388- 15-662	PREP	00-08-049
388- 14-273	PREP	00-06-039	388- 14A-3865	NEW-P	00-06-068	388- 15-690	REP	00-04-056
388- 14-274	PREP	00-06-039	388- 14A-3865	NEW	00-09-076	388- 15-695	REP	00-04-056
388- 14-276	PREP	00-06-039	388- 14A-3870	NEW-P	00-06-068	388- 15-700	REP	00-04-056
388- 14-300	PREP	00-06-039	388- 14A-3870	NEW	00-09-076	388- 15-705	REP	00-04-056
388- 14-310	PREP	00-06-039	388- 14A-3875	NEW-P	00-06-068	388- 15-710	REP	00-04-056
388- 14-350	PREP	00-06-039	388- 14A-3875	NEW	00-09-076	388- 15-715	REP	00-04-056
388- 14-360	PREP	00-06-039	388- 15-120	REP	00-03-029	388- 15-810	REP	00-04-056
388- 14-365	PREP	00-06-039	388- 15-145	REP	00-04-056	388- 15-830	REP	00-04-056
388- 14-370	PREP	00-06-039	388- 15-194	PREP	00-11-092	388- 15-880	REP	00-04-056
388- 14-376	PREP	00-06-039	388- 15-196	REP	00-03-043	388- 15-890	REP	00-04-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 15-895	REP	00-04-056	388- 71-0465	NEW	00-04-056	388- 86-055	REP-P	00-12-080
388- 17-010	REP	00-04-056	388- 71-0470	NEW	00-04-056	388- 86-067	REP	00-05-039
388- 17-020	REP	00-04-056	388- 71-0470	PREP	00-07-100	388- 86-071	PREP	00-09-033
388- 17-100	REP	00-04-056	388- 71-0470	AMD-P	00-12-035	388- 86-087	PREP	00-07-056
388- 17-120	REP	00-04-056	388- 71-0475	NEW	00-04-056	388- 86-090	REP	00-04-019
388- 17-160	REP	00-04-056	388- 71-0480	NEW	00-04-056	388- 86-095	REP-P	00-12-080
388- 17-180	REP	00-04-056	388- 71-0480	PREP	00-07-100	388- 86-09601	REP-P	00-12-080
388- 17-500	REP	00-04-056	388- 71-0480	AMD-P	00-12-035	388- 86-105	REP-XR	00-09-039
388- 17-510	REP	00-04-056	388- 71-0500	NEW	00-03-043	388- 86-110	PREP	00-03-011
388- 18-010	REP-XR	00-11-061	388- 71-0505	NEW	00-03-043	388- 86-110	REP-P	00-12-080
388- 18-020	REP-XR	00-11-061	388- 71-0510	NEW	00-03-043	388- 86-115	PREP	00-03-011
388- 18-030	REP-XR	00-11-061	388- 71-0515	NEW	00-03-043	388- 86-120	PREP	00-03-011
388- 18-040	REP-XR	00-11-061	388- 71-0520	NEW	00-03-043	388- 86-300	PREP	00-03-011
388- 18-050	REP-XR	00-11-061	388- 71-0525	NEW	00-03-043	388- 87	PREP	00-03-011
388- 18-060	REP-XR	00-11-061	388- 71-0530	NEW	00-03-043	388- 87-005	REP-P	00-09-043
388- 18-070	REP-XR	00-11-061	388- 71-0535	NEW	00-03-043	388- 87-007	REP-P	00-09-043
388- 18-080	REP-XR	00-11-061	388- 71-0540	NEW	00-03-043	388- 87-008	REP-P	00-09-043
388- 18-090	REP-XR	00-11-061	388- 71-0545	NEW	00-03-043	388- 87-010	REP-P	00-09-043
388- 18-100	REP-XR	00-11-061	388- 71-0550	NEW	00-03-043	388- 87-011	REP-P	00-09-043
388- 18-110	REP-XR	00-11-061	388- 71-0555	NEW	00-03-043	388- 87-012	REP-P	00-09-043
388- 18-120	REP-XR	00-11-061	388- 71-0560	NEW	00-03-043	388- 87-015	REP-P	00-09-042
388- 18-130	REP-XR	00-11-061	388- 71-0580	NEW	00-03-043	388- 87-019	REP-P	00-11-138
388- 24-2070	REP	00-03-012	388- 71-0600	NEW	00-04-056	388- 87-027	PREP	00-03-011
388- 24-2100	REP	00-03-012	388- 71-0605	NEW	00-04-056	388- 87-045	REP-XR	00-09-040
388- 24-2150	REP	00-03-012	388- 71-0610	NEW	00-04-056	388- 87-048	DECOD	00-11-183
388- 24-2200	REP	00-03-012	388- 71-0615	NEW	00-04-056	388- 87-067	REP	00-05-039
388- 24-2250	REP	00-03-012	388- 71-0620	NEW	00-04-056	388- 87-075	REP-P	00-12-080
388- 24-2350	REP	00-03-012	388- 71-1000	NEW	00-04-056	388- 87-077	REP	00-05-039
388- 24-2430	REP	00-03-012	388- 71-1005	NEW	00-04-056	388- 87-090	REP	00-04-019
388- 31	PREP	00-09-034	388- 71-1010	NEW	00-04-056	388- 87-095	REP-P	00-12-080
388- 31-010	REP-P	00-12-083	388- 71-1015	NEW	00-04-056	388- 87-200	PREP	00-07-056
388- 31-015	REP-P	00-12-083	388- 71-1020	NEW	00-04-056	388- 87-200	REP-P	00-09-043
388- 31-020	REP-P	00-12-083	388- 71-1025	NEW	00-04-056	388- 90-010	REP	00-07-045
388- 31-025	REP-P	00-12-083	388- 71-1030	NEW	00-04-056	388- 96	PREP	00-12-077
388- 31-030	REP-P	00-12-083	388- 71-1035	NEW	00-04-056	388- 96-779	NEW-P	00-09-080
388- 31-035	REP-P	00-12-083	388- 71-1065	NEW	00-04-056	388- 96-779	NEW-E	00-10-035
388- 71-0100	NEW	00-03-029	388- 71-1070	NEW	00-04-056	388- 96-779	NEW	00-12-098
388- 71-0105	NEW	00-03-029	388- 71-1075	NEW	00-04-056	388- 96-780	NEW-P	00-09-080
388- 71-0110	NEW	00-03-029	388- 71-1080	NEW	00-04-056	388- 96-780	NEW-E	00-10-035
388- 71-0115	NEW	00-03-029	388- 71-1085	NEW	00-04-056	388- 96-780	NEW	00-12-098
388- 71-0120	NEW	00-03-029	388- 71-1090	NEW	00-04-056	388- 96-781	NEW-P	00-09-080
388- 71-0150	NEW	00-03-029	388- 71-1095	NEW	00-04-056	388- 96-781	NEW-E	00-10-035
388- 71-0155	NEW	00-03-029	388- 71-1100	NEW	00-04-056	388- 96-781	NEW	00-12-098
388- 71-0400	NEW	00-04-056	388- 71-1105	NEW	00-04-056	388- 96-782	NEW-P	00-09-080
388- 71-0405	NEW	00-04-056	388- 71-1110	NEW	00-04-056	388- 96-782	NEW-E	00-10-035
388- 71-0410	NEW	00-04-056	388- 76-61510	PREP	00-07-057	388- 96-782	NEW	00-12-098
388- 71-0410	PREP	00-11-092	388- 76-640	PREP	00-07-057	388- 96-901	AMD-P	00-09-080
388- 71-0415	NEW	00-04-056	388- 81	PREP	00-07-055	388- 96-901	AMD-E	00-10-035
388- 71-0420	NEW	00-04-056	388- 86	PREP	00-03-011	388- 96-901	AMD	00-12-098
388- 71-0425	NEW	00-04-056	388- 86-005	DECOD	00-11-183	388- 97-005	AMD	00-06-028
388- 71-0430	NEW	00-04-056	388- 86-011	REP-P	00-12-080	388- 97-010	REP	00-06-028
388- 71-0430	AMD-P	00-10-033	388- 86-012	PREP	00-03-011	388- 97-012	NEW	00-06-028
388- 71-0435	NEW-P	00-10-033	388- 86-012	REP-XR	00-08-057	388- 97-015	REP	00-06-028
388- 71-0440	NEW	00-04-056	388- 86-012	REP	00-11-142	388- 97-017	NEW	00-06-028
388- 71-0440	PREP	00-11-092	388- 86-017	PREP	00-05-108	388- 97-020	REP	00-06-028
388- 71-0445	NEW	00-04-056	388- 86-018	DECOD	00-11-183	388- 97-022	NEW	00-06-028
388- 71-0445	PREP	00-07-100	388- 86-019	PREP	00-03-011	388- 97-022	PREP	00-11-105
388- 71-0445	PREP	00-11-092	388- 86-019	REP-P	00-11-138	388- 97-025	REP	00-06-028
388- 71-0445	AMD-P	00-12-035	388- 86-024	REP-P	00-09-041	388- 97-027	NEW	00-06-028
388- 71-0450	NEW	00-04-056	388- 86-027	DECOD	00-11-183	388- 97-027	PREP	00-11-105
388- 71-0455	NEW	00-04-056	388- 86-035	PREP	00-07-056	388- 97-030	REP	00-06-028
388- 71-0460	NEW	00-04-056	388- 86-035	REP-P	00-11-093	388- 97-032	NEW	00-06-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-035	REP	00-06-028	388-97-150	REP	00-06-028	388-97-335	AMD	00-06-028
388-97-037	NEW	00-06-028	388-97-155	AMD	00-06-028	388-97-33510	NEW	00-06-028
388-97-040	REP	00-06-028	388-97-160	AMD	00-06-028	388-97-33520	NEW	00-06-028
388-97-042	NEW	00-06-028	388-97-162	NEW	00-06-028	388-97-33530	NEW	00-06-028
388-97-043	NEW	00-06-028	388-97-165	AMD	00-06-028	388-97-33540	NEW	00-06-028
388-97-045	REP	00-06-028	388-97-170	AMD	00-06-028	388-97-33550	NEW	00-06-028
388-97-047	NEW	00-06-028	388-97-175	AMD	00-06-028	388-97-33560	NEW	00-06-028
388-97-050	REP	00-06-028	388-97-180	AMD	00-06-028	388-97-33570	NEW	00-06-028
388-97-051	NEW	00-06-028	388-97-185	AMD	00-06-028	388-97-33580	NEW	00-06-028
388-97-052	NEW	00-06-028	388-97-190	AMD	00-06-028	388-97-340	AMD	00-06-028
388-97-053	NEW	00-06-028	388-97-195	AMD	00-06-028	388-97-34010	NEW	00-06-028
388-97-055	AMD	00-06-028	388-97-200	REP	00-06-028	388-97-34020	NEW	00-06-028
388-97-060	AMD	00-06-028	388-97-202	NEW	00-06-028	388-97-345	AMD	00-06-028
388-97-065	AMD	00-06-028	388-97-205	AMD	00-06-028	388-97-347	NEW	00-06-028
388-97-070	REP	00-06-028	388-97-210	REP	00-06-028	388-97-350	AMD	00-06-028
388-97-07005	NEW	00-06-028	388-97-212	NEW	00-06-028	388-97-35010	NEW	00-06-028
388-97-07010	NEW	00-06-028	388-97-215	REP	00-06-028	388-97-35020	NEW	00-06-028
388-97-07015	NEW	00-06-028	388-97-220	AMD	00-06-028	388-97-35030	NEW	00-06-028
388-97-07020	NEW	00-06-028	388-97-225	REP	00-06-028	388-97-35040	NEW	00-06-028
388-97-07025	NEW	00-06-028	388-97-230	REP	00-06-028	388-97-35050	NEW	00-06-028
388-97-07030	NEW	00-06-028	388-97-235	REP	00-06-028	388-97-35060	NEW	00-06-028
388-97-07035	NEW	00-06-028	388-97-240	REP	00-06-028	388-97-352	NEW	00-06-028
388-97-07040	NEW	00-06-028	388-97-245	REP	00-06-028	388-97-353	NEW	00-06-028
388-97-07045	NEW	00-06-028	388-97-247	NEW	00-06-028	388-97-355	AMD	00-06-028
388-97-07050	NEW	00-06-028	388-97-249	NEW	00-06-028	388-97-357	NEW	00-06-028
388-97-07055	NEW	00-06-028	388-97-250	REP	00-06-028	388-97-35710	NEW	00-06-028
388-97-07060	NEW	00-06-028	388-97-251	NEW	00-06-028	388-97-35720	NEW	00-06-028
388-97-07065	NEW	00-06-028	388-97-253	NEW	00-06-028	388-97-360	AMD	00-06-028
388-97-07070	NEW	00-06-028	388-97-255	REP	00-06-028	388-97-36010	NEW	00-06-028
388-97-07075	AMD	00-06-028	388-97-260	AMD	00-06-028	388-97-36020	NEW	00-06-028
388-97-076	NEW	00-06-028	388-97-265	REP	00-06-028	388-97-36030	NEW	00-06-028
388-97-077	NEW	00-06-028	388-97-270	REP	00-06-028	388-97-36040	NEW	00-06-028
388-97-080	REP	00-06-028	388-97-275	REP	00-06-028	388-97-36050	NEW	00-06-028
388-97-08010	NEW	00-06-028	388-97-280	REP	00-06-028	388-97-36060	NEW	00-06-028
388-97-08020	NEW	00-06-028	388-97-285	NEW	00-06-028	388-97-36070	NEW	00-06-028
388-97-08030	NEW	00-06-028	388-97-295	AMD	00-06-028	388-97-365	AMD	00-06-028
388-97-08040	NEW	00-06-028	388-97-29510	NEW	00-06-028	388-97-36510	NEW	00-06-028
388-97-08050	NEW	00-06-028	388-97-29520	NEW	00-06-028	388-97-36520	NEW	00-06-028
388-97-08060	NEW	00-06-028	388-97-29530	NEW	00-06-028	388-97-36530	NEW	00-06-028
388-97-08070	NEW	00-06-028	388-97-29540	NEW	00-06-028	388-97-370	AMD	00-06-028
388-97-085	AMD	00-06-028	388-97-29550	NEW	00-06-028	388-97-37010	NEW	00-06-028
388-97-090	AMD	00-06-028	388-97-29560	NEW	00-06-028	388-97-37020	NEW	00-06-028
388-97-095	REP	00-06-028	388-97-300	REP	00-06-028	388-97-375	AMD	00-06-028
388-97-097	NEW	00-06-028	388-97-305	REP	00-06-028	388-97-380	REP	00-06-028
388-97-100	REP	00-06-028	388-97-310	AMD	00-06-028	388-97-385	AMD	00-06-028
388-97-105	REP	00-06-028	388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028
388-97-110	AMD	00-06-028	388-97-320	REP	00-06-028	388-97-395	REP	00-06-028
388-97-115	AMD	00-06-028	388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028
388-97-120	AMD	00-06-028	388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028
388-97-12010	NEW	00-06-028	388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028
388-97-12020	NEW	00-06-028	388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028
388-97-12030	NEW	00-06-028	388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028
388-97-12040	NEW	00-06-028	388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028
388-97-12050	NEW	00-06-028	388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028
388-97-12060	NEW	00-06-028	388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028
388-97-12070	NEW	00-06-028	388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028
388-97-125	AMD	00-06-028	388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028
388-97-130	AMD	00-06-028	388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028
388-97-135	AMD	00-06-028	388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028
388-97-140	AMD	00-06-028	388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028
388-97-145	REP	00-06-028	388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028
388-97-147	NEW	00-06-028	388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028

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388-97-43050	NEW	00-06-028	388-155-190	AMD-XA	00-09-089	388-235-5900	REP-P	00-11-129
388-97-435	REP	00-06-028	388-155-200	AMD	00-06-040	388-235-6000	REP-P	00-11-129
388-97-440	REP	00-06-028	388-155-210	REP	00-06-040	388-235-7000	REP-P	00-11-129
388-97-445	REP	00-06-028	388-155-220	AMD	00-06-040	388-235-7100	REP-P	00-11-129
388-97-450	REP	00-06-028	388-155-230	AMD	00-06-040	388-235-7200	REP-P	00-11-129
388-97-455	AMD	00-06-028	388-155-240	AMD	00-06-040	388-235-7300	REP-P	00-11-129
388-97-45510	NEW	00-06-028	388-155-250	AMD	00-06-040	388-235-7400	REP-P	00-11-129
388-97-460	AMD	00-06-028	388-155-260	REP	00-06-040	388-235-7500	REP-P	00-11-129
388-97-46010	NEW	00-06-028	388-155-270	AMD	00-06-040	388-235-7600	REP-P	00-11-129
388-97-465	AMD	00-06-028	388-155-270	AMD-XA	00-09-089	388-235-8000	REP-P	00-11-129
388-97-46510	NEW	00-06-028	388-155-280	AMD	00-06-040	388-235-8100	REP-P	00-11-129
388-97-46520	NEW	00-06-028	388-155-290	AMD	00-06-040	388-235-8130	REP-P	00-11-129
388-97-46530	NEW	00-06-028	388-155-295	AMD	00-06-040	388-235-8140	REP-P	00-11-129
388-97-46540	NEW	00-06-028	388-155-310	AMD	00-06-040	388-235-8150	REP-P	00-11-129
388-97-46550	NEW	00-06-028	388-155-320	AMD	00-06-040	388-235-8200	REP-P	00-11-129
388-97-46560	NEW	00-06-028	388-155-330	AMD-XA	00-09-089	388-235-9000	AMD	00-05-007
388-97-46570	NEW	00-06-028	388-155-340	AMD	00-06-040	388-235-9000	REP-P	00-11-129
388-97-46580	NEW	00-06-028	388-155-350	AMD	00-06-040	388-235-9100	REP-P	00-11-129
388-97-46590	NEW	00-06-028	388-155-360	AMD	00-06-040	388-235-9200	REP-P	00-11-129
388-97-470	AMD	00-06-028	388-155-370	AMD-XA	00-09-089	388-235-9300	REP-P	00-11-129
388-97-47010	NEW	00-06-028	388-155-380	AMD-XA	00-09-089	388-240-0010	REP-P	00-11-107
388-97-47020	NEW	00-06-028	388-155-390	AMD	00-06-040	388-240-0020	REP-P	00-11-107
388-97-475	REP	00-06-028	388-155-400	AMD	00-06-040	388-240-1100	REP-P	00-11-107
388-97-480	AMD	00-06-028	388-155-410	AMD	00-06-040	388-240-1200	REP-P	00-11-107
388-97-48010	NEW	00-06-028	388-155-420	AMD-XA	00-09-089	388-240-2100	REP-P	00-11-107
388-97-48020	NEW	00-06-028	388-155-430	AMD	00-06-040	388-240-2300	REP-P	00-11-107
388-97-48030	NEW	00-06-028	388-155-440	AMD	00-06-040	388-240-2400	REP-P	00-11-107
388-97-48040	NEW	00-06-028	388-155-450	AMD	00-06-040	388-240-2450	REP-P	00-11-107
388-97-550	NEW	00-06-028	388-155-460	AMD	00-06-040	388-240-2500	REP-P	00-11-107
388-97-555	NEW	00-06-028	388-155-470	AMD	00-06-040	388-240-2550	REP-P	00-11-107
388-97-560	NEW	00-06-028	388-155-480	AMD-XA	00-09-089	388-240-2570	REP-P	00-11-107
388-97-565	NEW	00-06-028	388-155-490	AMD	00-06-040	388-240-2600	REP-P	00-11-107
388-97-570	NEW	00-06-028	388-155-500	AMD	00-06-040	388-240-3100	REP-P	00-11-107
388-97-575	NEW	00-06-028	388-155-600	AMD	00-06-040	388-240-4100	REP-P	00-11-107
388-97-580	NEW	00-06-028	388-155-605	AMD-XA	00-09-089	388-240-4200	REP-P	00-11-107
388-97-585	NEW	00-06-028	388-155-610	AMD-XA	00-09-089	388-240-4400	REP-P	00-11-107
388-97-590	NEW	00-06-028	388-155-620	AMD-XA	00-09-089	388-240-4600	REP-P	00-11-107
388-97-595	NEW	00-06-028	388-155-630	AMD-XA	00-09-089	388-240-5100	REP-P	00-11-107
388-97-600	NEW	00-06-028	388-155-640	AMD-XA	00-09-089	388-240-6100	REP-P	00-11-107
388-155-010	AMD	00-06-040	388-155-650	AMD-XA	00-09-089	388-255	PREP	00-08-054
388-155-020	AMD	00-06-040	388-155-660	AMD-XA	00-09-089	388-255-1020	REP-P	00-12-081
388-155-040	AMD-XA	00-09-089	388-155-670	AMD-XA	00-09-089	388-255-1050	REP-P	00-12-081
388-155-050	AMD-XA	00-09-089	388-155-680	AMD-XA	00-09-089	388-255-1100	REP-P	00-12-081
388-155-060	AMD-XA	00-09-089	388-200-1160	REP	00-03-035	388-255-1150	REP-P	00-12-081
388-155-070	AMD	00-06-040	388-200-1300	PREP	00-04-036	388-255-1200	REP-P	00-12-081
388-155-085	AMD-XA	00-09-089	388-200-1350	PREP	00-04-036	388-255-1250	REP-P	00-12-081
388-155-090	AMD-XA	00-09-089	388-235	PREP	00-08-051	388-255-1300	REP-P	00-12-081
388-155-092	AMD-XA	00-09-089	388-235-1500	REP-P	00-11-129	388-265-1650	PREP	00-07-101
388-155-093	AMD-XA	00-09-089	388-235-5000	REP-P	00-11-129	388-265-1750	PREP	00-07-101
388-155-094	AMD-XA	00-09-089	388-235-5050	REP-P	00-11-129	388-273-0010	NEW-P	00-12-083
388-155-095	AMD-XA	00-09-089	388-235-5060	REP-P	00-11-129	388-273-0020	NEW-P	00-12-083
388-155-098	AMD	00-06-040	388-235-5070	REP-P	00-11-129	388-273-0025	NEW-P	00-12-083
388-155-100	AMD	00-06-040	388-235-5080	REP-P	00-11-129	388-273-0030	NEW-P	00-12-083
388-155-110	AMD	00-06-040	388-235-5090	REP-P	00-11-129	388-273-0035	NEW-P	00-12-083
388-155-120	AMD	00-06-040	388-235-5100	REP-P	00-11-129	388-290-015	AMD-P	00-10-089
388-155-130	AMD	00-06-040	388-235-5200	REP-P	00-11-129	388-290-015	AMD-E	00-10-090
388-155-140	AMD	00-06-040	388-235-5300	REP-P	00-11-129	388-290-280	AMD-P	00-10-089
388-155-150	AMD	00-06-040	388-235-5400	REP-P	00-11-129	388-290-280	AMD-E	00-10-090
388-155-160	AMD-XA	00-09-089	388-235-5500	REP-P	00-11-129	388-290-350	AMD-P	00-10-089
388-155-165	AMD	00-06-040	388-235-5600	REP-P	00-11-129	388-290-350	AMD-E	00-10-090
388-155-170	AMD	00-06-040	388-235-5700	REP-P	00-11-129	388-290-450	AMD-P	00-10-089
388-155-180	AMD	00-06-040	388-235-5800	REP-P	00-11-129	388-290-450	AMD-E	00-10-090

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388-290-475	AMD-P	00-10-089	388-406-0015	AMD	00-06-015	388-448-0190	NEW-P	00-11-129
388-290-475	AMD-E	00-10-090	388-406-0060	PREP	00-06-060	388-448-0200	NEW-P	00-11-129
388-290-550	REP-P	00-10-089	388-406-0060	AMD-P	00-10-093	388-448-0210	NEW-P	00-11-129
388-290-550	REP-E	00-10-090	388-408	PREP	00-11-182	388-450	PREP	00-10-031
388-290-600	AMD-P	00-10-089	388-408-0020	AMD	00-05-007	388-450	PREP	00-11-182
388-290-600	AMD-E	00-10-090	388-408-0025	PREP	00-08-050	388-450-0005	PREP	00-12-079
388-290-650	AMD-P	00-10-089	388-408-0035	PREP	00-08-052	388-450-0015	PREP	00-03-060
388-290-650	AMD-E	00-10-090	388-414-0001	AMD-P	00-07-076	388-450-0015	AMD-E	00-06-023
388-290-850	AMD-E	00-08-061	388-414-0001	AMD	00-11-035	388-450-0015	AMD-P	00-09-081
388-290-854	NEW-E	00-08-061	388-416-0015	AMD-P	00-04-045	388-450-0020	PREP	00-12-079
388-290-858	NEW-E	00-08-061	388-416-0015	AMD	00-08-002	388-450-0035	AMD-E	00-02-062
388-290-862	NEW-E	00-08-061	388-418-0012	REP-P	00-03-062	388-450-0035	AMD-P	00-10-087
388-290-866	NEW-E	00-08-061	388-418-0012	REP	00-07-077	388-450-0035	AMD-E	00-10-088
388-290-870	NEW-E	00-08-061	388-418-0025	AMD-P	00-04-045	388-450-0150	PREP	00-12-079
388-290-874	NEW-E	00-08-061	388-418-0025	AMD	00-08-002	388-450-0210	PREP	00-12-079
388-290-878	NEW-E	00-08-061	388-422	PREP	00-11-182	388-454	PREP	00-11-182
388-290-882	NEW-E	00-08-061	388-424	PREP	00-11-182	388-470	PREP	00-12-078
388-290-886	NEW-E	00-08-061	388-424-0015	AMD-P	00-05-110	388-470-0005	PREP	00-12-079
388-290-888	NEW-E	00-08-061	388-424-0015	AMD	00-08-060	388-470-0020	PREP	00-12-079
388-290-905	AMD-E	00-08-061	388-424-0025	AMD-E	00-08-004	388-470-0040	PREP	00-12-079
388-290-910	AMD-E	00-08-061	388-424-0025	AMD-P	00-09-082	388-473-0010	NEW-P	00-12-081
388-290-920	AMD-P	00-10-089	388-426	PREP	00-09-032	388-473-0020	NEW-P	00-12-081
388-290-920	AMD-E	00-10-090	388-430-0001	REP	00-05-007	388-473-0030	NEW-P	00-12-081
388-290-925	AMD-E	00-08-061	388-430-0005	REP	00-05-007	388-473-0040	NEW-P	00-12-081
388-290-940	AMD-E	00-08-061	388-430-0010	REP	00-05-007	388-473-0050	NEW-P	00-12-081
388-290-945	AMD-E	00-08-061	388-430-0015	REP	00-05-007	388-473-0060	NEW-P	00-12-081
388-290-950	AMD-P	00-10-089	388-430-0020	REP	00-05-007	388-478	PREP	00-11-182
388-290-950	AMD-E	00-10-090	388-430-0025	REP	00-05-007	388-478-0026	PREP	00-10-030
388-310-0200	AMD-P	00-03-051	388-436-0010	REP-P	00-06-067	388-478-0050	PREP	00-08-053
388-310-0200	AMD	00-06-062	388-436-0010	REP	00-10-036	388-478-0050	AMD-P	00-12-082
388-310-0200	PREP	00-07-102	388-440	PREP	00-09-032	388-478-0055	AMD-P	00-08-058
388-310-0200	AMD-P	00-11-140	388-440-0001	AMD	00-03-034	388-478-0055	AMD-E	00-08-059
388-310-0300	AMD-P	00-03-051	388-440-0005	AMD	00-03-034	388-478-0055	AMD	00-11-130
388-310-0300	AMD	00-06-062	388-442-0010	AMD	00-05-007	388-478-0070	AMD-P	00-07-075
388-310-0400	AMD-P	00-03-051	388-444-0015	AMD	00-04-006	388-478-0070	AMD	00-10-095
388-310-0400	AMD	00-06-062	388-444-0035	AMD	00-04-006	388-478-0075	PREP	00-07-054
388-310-0400	PREP	00-07-102	388-444-0055	AMD	00-04-006	388-478-0075	AMD-E	00-07-089
388-310-0500	PREP	00-07-102	388-444-0065	AMD	00-04-006	388-478-0080	AMD-P	00-07-075
388-310-0600	PREP	00-07-102	388-444-0075	AMD	00-04-006	388-478-0080	AMD	00-10-095
388-310-0600	AMD-P	00-11-140	388-448-0001	PREP	00-08-055	388-478-0085	PREP	00-07-054
388-310-0700	AMD-P	00-03-051	388-448-0001	AMD-P	00-11-127	388-478-0085	AMD-E	00-07-089
388-310-0700	AMD	00-06-062	388-448-0005	PREP	00-08-055	388-480-0001	AMD	00-05-007
388-310-0800	PREP	00-05-109	388-448-0005	REP-P	00-12-040	388-490-0005	AMD-P	00-04-092
388-310-0800	AMD-E	00-06-061	388-448-0010	NEW-P	00-11-129	388-490-0005	AMD	00-08-091
388-310-0800	AMD-P	00-08-089	388-448-0020	NEW-P	00-11-129	388-492	PREP	00-08-088
388-310-0800	AMD-S	00-10-091	388-448-0030	NEW-P	00-11-129	388-501-0050	PREP	00-10-032
388-310-1400	AMD-P	00-03-051	388-448-0035	NEW-P	00-11-129	388-501-0125	PREP	00-03-011
388-310-1400	AMD	00-06-062	388-448-0040	NEW-P	00-11-129	388-501-0150	REP-XR	00-09-038
388-310-1450	NEW-P	00-03-051	388-448-0050	NEW-P	00-11-129	388-501-0160	AMD	00-03-035
388-310-1450	NEW	00-06-062	388-448-0060	NEW-P	00-11-129	388-501-0165	AMD	00-03-035
388-310-1800	PREP	00-07-102	388-448-0070	NEW-P	00-11-129	388-501-0200	AMD-XA	00-07-044
388-310-1800	AMD-P	00-11-140	388-448-0080	NEW-P	00-11-129	388-501-0200	AMD	00-11-141
388-310-1850	AMD-E	00-03-013	388-448-0090	NEW-P	00-11-129	388-502-0010	NEW-P	00-09-043
388-310-1850	AMD-P	00-04-091	388-448-0100	NEW-P	00-11-129	388-502-0020	NEW-P	00-09-043
388-310-1850	AMD	00-08-021	388-448-0110	NEW-P	00-11-129	388-502-0030	NEW-P	00-09-043
388-400	PREP	00-11-182	388-448-0120	NEW-P	00-11-129	388-502-0100	NEW-P	00-09-043
388-400-0005	AMD	00-05-007	388-448-0130	NEW-P	00-11-129	388-502-0110	NEW-P	00-09-043
388-400-0010	AMD	00-05-007	388-448-0140	NEW-P	00-11-129	388-502-0150	NEW-P	00-09-042
388-400-0025	PREP	00-08-056	388-448-0150	NEW-P	00-11-129	388-502-0160	NEW-P	00-09-075
388-400-0025	AMD-P	00-11-128	388-448-0160	NEW-P	00-11-129	388-502-0205	PREP	00-06-022
388-404	PREP	00-11-182	388-448-0170	NEW-P	00-11-129	388-502-0205	REP-P	00-09-043
388-404-0005	AMD	00-05-007	388-448-0180	NEW-P	00-11-129	388-502-0210	AMD-P	00-10-064

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388-502-0230	PREP	00-09-037	388-531-1700	NEW-P	00-12-080	388-700-0010	NEW-P	00-11-139
388-505-0110	PREP	00-12-079	388-531-1750	NEW-P	00-12-080	388-700-0015	NEW-P	00-11-139
388-505-0595	PREP	00-12-078	388-531-1800	NEW-P	00-12-080	388-700-0020	NEW-P	00-11-139
388-506-0620	PREP	00-12-079	388-531-1850	NEW-P	00-12-080	388-700-0025	NEW-P	00-11-139
388-511-1105	PREP	00-12-079	388-531-1900	NEW-P	00-12-080	388-700-0030	NEW-P	00-11-139
388-511-1130	PREP	00-12-079	388-532	PREP	00-07-056	388-700-0035	NEW-P	00-11-139
388-513-1380	AMD-E	00-08-003	388-532-050	NEW-P	00-11-093	388-700-0040	NEW-P	00-11-139
388-519-0100	PREP	00-12-079	388-532-100	NEW-P	00-11-093	388-700-0045	NEW-P	00-11-139
388-529-2940	REP	00-05-039	388-533-0300	NEW-P	00-09-041	388-700-0050	NEW-P	00-11-139
388-529-2950	REP	00-05-039	388-534-0100	RECOD	00-11-183	388-710-0005	NEW-P	00-12-103
388-530-1000	PREP	00-07-087	388-538-001	REP	00-04-080	388-710-0010	NEW-P	00-12-103
388-530-1050	PREP	00-07-087	388-538-050	AMD	00-04-080	388-710-0015	NEW-P	00-12-103
388-530-1100	PREP	00-07-087	388-538-060	AMD	00-04-080	388-710-0020	NEW-P	00-12-103
388-530-1150	PREP	00-07-087	388-538-065	NEW	00-04-080	388-710-0025	NEW-P	00-12-103
388-530-1200	PREP	00-07-087	388-538-066	NEW	00-04-080	388-710-0030	NEW-P	00-12-103
388-530-1250	PREP	00-07-087	388-538-070	AMD	00-04-080	388-710-0035	NEW-P	00-12-103
388-530-1300	PREP	00-07-087	388-538-080	AMD	00-04-080	388-710-0040	NEW-P	00-12-103
388-530-1350	PREP	00-07-087	388-538-090	REP	00-04-080	388-800-0005	NEW-P	00-11-107
388-530-1400	PREP	00-07-087	388-538-095	AMD	00-04-080	388-800-0020	NEW-P	00-11-107
388-530-1450	PREP	00-07-087	388-538-100	AMD	00-04-080	388-800-0025	NEW-P	00-11-107
388-530-1500	PREP	00-07-087	388-538-110	AMD	00-04-080	388-800-0030	NEW-P	00-11-107
388-530-1550	PREP	00-07-087	388-538-120	AMD	00-04-080	388-800-0035	NEW-P	00-11-107
388-530-1650	PREP	00-07-087	388-538-130	AMD	00-04-080	388-800-0040	NEW-P	00-11-107
388-530-1700	PREP	00-07-087	388-538-140	AMD	00-04-080	388-800-0045	NEW-P	00-11-107
388-530-1750	PREP	00-07-088	388-538-150	REP	00-04-080	388-800-0048	NEW-P	00-11-107
388-530-1850	AMD-P	00-11-106	388-539	PREP	00-05-038	388-800-0050	NEW-P	00-11-107
388-530-1900	PREP	00-07-087	388-539	AMD-P	00-11-062	388-800-0055	NEW-P	00-11-107
388-530-1950	PREP	00-07-087	388-539-001	REP-P	00-11-062	388-800-0057	NEW-P	00-11-107
388-531-0050	NEW-P	00-12-080	388-539-0200	NEW-P	00-11-062	388-800-0060	NEW-P	00-11-107
388-531-0100	NEW-P	00-12-080	388-539-050	REP-P	00-11-062	388-800-0065	NEW-P	00-11-107
388-531-0150	NEW-P	00-12-080	388-539-0500	RECOD	00-11-183	388-800-0070	NEW-P	00-11-107
388-531-0200	NEW-P	00-12-080	388-539-0550	RECOD	00-11-183	388-800-0075	NEW-P	00-11-107
388-531-0250	NEW-P	00-12-080	388-539-100	REP-P	00-11-062	388-800-0080	NEW-P	00-11-107
388-531-0300	NEW-P	00-12-080	388-539-150	REP-P	00-11-062	388-800-0085	NEW-P	00-11-107
388-531-0350	NEW-P	00-12-080	388-542-0050	NEW-P	00-03-061	388-800-0090	NEW-P	00-11-107
388-531-0400	NEW-P	00-12-080	388-542-0050	NEW	00-07-103	388-800-0100	NEW-P	00-11-107
388-531-0450	NEW-P	00-12-080	388-542-0100	NEW-P	00-03-061	388-800-0110	NEW-P	00-11-107
388-531-0500	NEW-P	00-12-080	388-542-0100	NEW	00-07-103	388-800-0115	NEW-P	00-11-107
388-531-0550	NEW-P	00-12-080	388-542-0125	NEW-P	00-03-061	388-800-0120	NEW-P	00-11-107
388-531-0600	NEW-P	00-12-080	388-542-0125	NEW	00-07-103	388-800-0130	NEW-P	00-11-107
388-531-0650	NEW-P	00-12-080	388-542-0150	NEW-P	00-03-061	388-800-0135	NEW-P	00-11-107
388-531-0700	NEW-P	00-12-080	388-542-0150	NEW	00-07-103	388-800-0140	NEW-P	00-11-107
388-531-0750	NEW-P	00-12-080	388-542-0200	NEW-P	00-03-061	388-800-0145	NEW-P	00-11-107
388-531-0800	NEW-P	00-12-080	388-542-0200	NEW	00-07-103	388-800-0150	NEW-P	00-11-107
388-531-0850	NEW-P	00-12-080	388-542-0250	NEW-P	00-03-061	388-800-0155	NEW-P	00-11-107
388-531-0900	NEW-P	00-12-080	388-542-0250	NEW	00-07-103	388-800-0160	NEW-P	00-11-107
388-531-0950	NEW-P	00-12-080	388-542-0275	NEW-P	00-03-061	388-800-0165	NEW-P	00-11-107
388-531-1000	NEW-P	00-12-080	388-542-0275	NEW	00-07-103	388-825-226	AMD-P	00-05-107
388-531-1050	NEW-P	00-12-080	388-542-0300	NEW-P	00-03-061	388-825-226	AMD	00-08-090
388-531-1100	NEW-P	00-12-080	388-542-0300	NEW	00-07-103	388-825-228	AMD-P	00-05-107
388-531-1150	NEW-P	00-12-080	388-545-0500	PREP	00-08-020	388-825-228	AMD	00-08-090
388-531-1200	NEW-P	00-12-080	388-545-500	NEW	00-04-019	388-825-254	AMD-P	00-05-107
388-531-1250	NEW-P	00-12-080	388-545-500	AMD-P	00-12-039	388-825-254	AMD	00-08-090
388-531-1300	NEW-P	00-12-080	388-547	PREP	00-03-010	388-890-0735	NEW-W	00-02-065
388-531-1350	NEW-P	00-12-080	388-548-0100	PREP	00-11-034	388-890-0740	NEW-W	00-02-065
388-531-1400	NEW-P	00-12-080	388-548-0500	PREP	00-11-034	388-890-0865	NEW-W	00-02-065
388-531-1450	NEW-P	00-12-080	388-548-0500	NEW-E	00-11-036	390-05-400	AMD	00-04-058
388-531-1500	NEW-P	00-12-080	388-550-4500	AMD-W	00-06-046	391-08	PREP	00-04-070
388-531-1550	NEW-P	00-12-080	388-556-0200	NEW-P	00-11-138	391-08-001	AMD-P	00-10-107
388-531-1600	NEW-P	00-12-080	388-556-0400	RECOD	00-11-183	391-08-010	AMD-P	00-10-107
388-531-1650	NEW-P	00-12-080	388-557-0100	NEW-W	00-10-078	391-08-120	AMD-P	00-10-107
			388-700-0005	NEW-P	00-11-139	391-08-180	AMD-P	00-10-107

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-08-230	REP-P	00-10-107	391-95-190	AMD-P	00-10-107	392-140-605	AMD	00-03-015
391-08-310	AMD-P	00-10-107	391-95-230	AMD-P	00-10-107	392-140-613	AMD	00-03-015
391-25-050	AMD-P	00-10-107	391-95-250	AMD-P	00-10-107	392-140-625	AMD	00-03-015
391-25-090	AMD-P	00-10-107	391-95-260	AMD-P	00-10-107	392-140-626	NEW	00-03-015
391-25-230	AMD-P	00-10-107	391-95-270	AMD-P	00-10-107	392-140-630	AMD	00-03-015
391-25-250	AMD-P	00-10-107	391-95-290	AMD-P	00-10-107	392-140-660	AMD	00-03-015
391-25-270	AMD-P	00-10-107	391-95-310	AMD-P	00-10-107	392-140-665	REP	00-03-015
391-25-350	AMD-P	00-10-107	392-117-045	AMD-P	00-09-072	392-140-675	AMD	00-03-015
391-25-590	AMD-P	00-10-107	392-117-045	AMD	00-12-037	392-140-680	AMD	00-03-015
391-25-650	AMD-P	00-10-107	392-127-011	AMD	00-02-064	392-140-700	REP	00-02-063
391-25-660	AMD-P	00-10-107	392-127-015	AMD	00-02-064	392-140-701	REP	00-02-063
391-25-670	AMD-P	00-10-107	392-127-030	REP	00-02-064	392-140-702	REP	00-02-063
391-35-030	AMD-P	00-10-107	392-127-035	REP	00-02-064	392-140-710	REP	00-02-063
391-35-170	AMD-P	00-10-107	392-127-040	REP	00-02-064	392-140-711	REP	00-02-063
391-35-210	AMD-P	00-10-107	392-127-050	REP	00-02-064	392-140-712	REP	00-02-063
391-35-250	AMD-P	00-10-107	392-127-055	REP	00-02-064	392-140-713	REP	00-02-063
391-45	PREP	00-04-070	392-127-060	REP	00-02-064	392-140-714	REP	00-02-063
391-45-001	AMD-P	00-10-107	392-127-065	AMD	00-02-064	392-140-715	REP	00-02-063
391-45-002	AMD-P	00-10-107	392-127-070	AMD	00-02-064	392-140-716	REP	00-02-063
391-45-010	AMD-P	00-10-107	392-127-085	AMD	00-02-064	392-140-720	REP	00-02-063
391-45-030	AMD-P	00-10-107	392-127-095	REP	00-02-064	392-140-721	REP	00-02-063
391-45-050	AMD-P	00-10-107	392-127-101	REP	00-02-064	392-140-722	REP	00-02-063
391-45-070	AMD-E	00-03-053	392-127-106	REP	00-02-064	392-140-723	REP	00-02-063
391-45-070	AMD-P	00-10-107	392-127-111	AMD	00-02-064	392-140-724	REP	00-02-063
391-45-070	AMD-E	00-11-024	392-127-112	NEW	00-02-064	392-140-725	REP	00-02-063
391-45-090	AMD-P	00-10-107	392-127-810	REP	00-02-064	392-140-726	REP	00-02-063
391-45-110	AMD-E	00-03-053	392-139-001	AMD-P	00-05-061	392-140-727	REP	00-02-063
391-45-110	AMD-P	00-10-107	392-139-001	AMD	00-09-017	392-140-728	REP	00-02-063
391-45-110	AMD-E	00-11-024	392-139-005	AMD-P	00-05-061	392-140-730	REP	00-02-063
391-45-130	AMD-E	00-03-053	392-139-005	AMD	00-09-017	392-140-731	REP	00-02-063
391-45-130	AMD-P	00-10-107	392-139-007	AMD-P	00-05-061	392-140-732	REP	00-02-063
391-45-130	AMD-E	00-11-024	392-139-007	AMD	00-09-017	392-140-733	REP	00-02-063
391-45-170	AMD-P	00-10-107	392-139-008	NEW-P	00-05-061	392-140-735	REP	00-02-063
391-45-190	AMD-P	00-10-107	392-139-008	NEW	00-09-017	392-140-736	REP	00-02-063
391-45-210	AMD-P	00-10-107	392-139-310	AMD-P	00-05-061	392-140-740	REP	00-02-063
391-45-230	REP-P	00-10-107	392-139-310	AMD	00-09-017	392-140-741	REP	00-02-063
391-45-250	AMD-P	00-10-107	392-139-320	AMD-P	00-05-061	392-140-742	REP	00-02-063
391-45-260	AMD-P	00-10-107	392-139-320	AMD	00-09-017	392-140-743	REP	00-02-063
391-45-270	AMD-P	00-10-107	392-139-605	REP-P	00-05-061	392-140-744	REP	00-02-063
391-45-290	AMD-P	00-10-107	392-139-605	REP	00-09-017	392-140-745	REP	00-02-063
391-45-310	AMD-P	00-10-107	392-139-610	AMD-P	00-05-061	392-140-746	REP	00-02-063
391-45-330	AMD-P	00-10-107	392-139-610	AMD	00-09-017	392-140-747	REP	00-02-063
391-45-350	AMD-P	00-10-107	392-139-615	AMD-P	00-05-061	392-140-900	NEW	00-02-063
391-45-390	AMD-P	00-10-107	392-139-615	AMD	00-09-017	392-140-901	NEW	00-02-063
391-45-410	AMD-P	00-10-107	392-139-620	AMD-P	00-05-061	392-140-902	NEW	00-02-063
391-45-430	AMD-P	00-10-107	392-139-620	AMD	00-09-017	392-140-903	NEW	00-02-063
391-45-550	AMD-P	00-10-107	392-139-622	REP-P	00-05-061	392-140-905	NEW	00-02-063
391-45-552	AMD-P	00-10-107	392-139-622	REP	00-09-017	392-140-906	NEW	00-02-063
391-55-030	AMD-P	00-10-107	392-139-623	REP-P	00-05-061	392-140-907	NEW	00-02-063
391-55-350	AMD-P	00-10-107	392-139-623	REP	00-09-017	392-140-908	NEW	00-02-063
391-65-070	AMD-P	00-10-107	392-139-625	AMD-P	00-05-061	392-140-910	NEW	00-02-063
391-95	PREP	00-04-070	392-139-625	AMD	00-09-017	392-140-911	NEW	00-02-063
391-95-001	AMD-P	00-10-107	392-139-660	AMD-P	00-05-061	392-140-912	NEW	00-02-063
391-95-010	AMD-P	00-10-107	392-139-660	AMD	00-09-017	392-140-913	NEW	00-02-063
391-95-030	AMD-P	00-10-107	392-139-661	REP-P	00-05-061	392-172-107	NEW-W	00-06-045
391-95-050	AMD-P	00-10-107	392-139-661	REP	00-09-017	392-172-109	NEW-W	00-06-045
391-95-070	AMD-P	00-10-107	392-139-670	AMD-P	00-05-061	392-172-161	NEW-W	00-06-045
391-95-090	AMD-P	00-10-107	392-139-670	AMD	00-09-017	392-300-070	NEW-E	00-05-099
391-95-110	AMD-P	00-10-107	392-139-676	AMD-P	00-05-061	392-300-070	PREP	00-09-023
391-95-130	AMD-P	00-10-107	392-139-676	AMD	00-09-017	399-30-030	PREP	00-04-096
391-95-150	AMD-P	00-10-107	392-140-600	AMD	00-03-015	399-30-030	AMD-E	00-04-097
391-95-170	AMD-P	00-10-107	392-140-601	AMD	00-03-015	399-30-030	AMD-P	00-08-010

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
399- 50-010	NEW-C	00-04-100	415-112-473	AMD	00-10-015	415-501-380	RECOD-P	00-08-092
399- 50-010	NEW	00-11-021	415-112-475	AMD-P	00-04-024	415-501-380	RECOD	00-11-104
399- 50-020	NEW-C	00-04-100	415-112-475	AMD	00-10-015	415-501-390	RECOD-P	00-08-092
399- 50-020	NEW	00-11-021	415-112-477	AMD-P	00-04-024	415-501-390	RECOD	00-11-104
399- 50-030	NEW-C	00-04-100	415-112-477	AMD	00-10-015	415-501-410	RECOD-P	00-08-092
399- 50-030	NEW	00-11-021	415-112-510	REP-P	00-04-024	415-501-410	RECOD	00-11-104
399- 50-040	NEW-C	00-04-100	415-112-510	REP	00-10-015	415-501-415	RECOD-P	00-08-092
399- 50-040	NEW	00-11-021	415-112-540	AMD	00-11-053	415-501-415	RECOD	00-11-104
415- 02-010	AMD-P	00-04-025	415-112-545	AMD	00-11-053	415-501-420	RECOD-P	00-08-092
415- 02-010	AMD	00-10-016	415-112-548	NEW-W	00-12-027	415-501-420	RECOD	00-11-104
415- 02-020	AMD-P	00-04-025	415-112-705	NEW-P	00-04-024	415-501-430	RECOD-P	00-08-092
415- 02-020	AMD	00-10-016	415-112-705	NEW	00-10-015	415-501-430	RECOD	00-11-104
415- 02-030	AMD-P	00-04-025	415-112-920	NEW-P	00-04-024	415-501-440	RECOD-P	00-08-092
415- 02-030	AMD	00-10-016	415-112-920	NEW	00-10-015	415-501-440	RECOD	00-11-104
415- 02-040	REP-P	00-04-025	415-112-950	NEW-P	00-04-024	415-501-450	RECOD-P	00-08-092
415- 02-040	REP	00-10-016	415-112-950	NEW	00-10-015	415-501-450	RECOD	00-11-104
415- 02-050	AMD-P	00-04-025	415-501-010	AMD-P	00-08-092	415-501-470	RECOD-P	00-08-092
415- 02-050	AMD	00-10-016	415-501-010	AMD	00-11-104	415-501-470	RECOD	00-11-104
415- 02-060	AMD-P	00-04-025	415-501-020	AMD-P	00-08-092	415-501-475	RECOD-P	00-08-092
415- 02-060	AMD	00-10-016	415-501-020	AMD	00-11-104	415-501-475	RECOD	00-11-104
415- 02-070	REP-P	00-04-025	415-501-110	RECOD-P	00-08-092	415-501-480	RECOD-P	00-08-092
415- 02-070	REP	00-10-016	415-501-110	RECOD	00-11-104	415-501-480	RECOD	00-11-104
415- 02-080	AMD-P	00-04-025	415-501-120	RECOD-P	00-08-092	415-501-485	RECOD-P	00-08-092
415- 02-080	AMD	00-10-016	415-501-120	RECOD	00-11-104	415-501-485	RECOD	00-11-104
415- 02-100	AMD-P	00-04-025	415-501-130	RECOD-P	00-08-092	415-501-486	RECOD-P	00-08-092
415- 02-100	AMD	00-10-016	415-501-130	RECOD	00-11-104	415-501-486	RECOD	00-11-104
415- 02-120	NEW-P	00-04-025	415-501-140	RECOD-P	00-08-092	415-501-487	RECOD-P	00-08-092
415- 02-120	NEW	00-10-016	415-501-140	RECOD	00-11-104	415-501-487	RECOD	00-11-104
415- 02-130	NEW-P	00-04-025	415-501-150	RECOD-P	00-08-092	415-501-490	RECOD-P	00-08-092
415- 02-130	NEW	00-10-016	415-501-150	RECOD	00-11-104	415-501-490	RECOD	00-11-104
415- 04	PREP	00-04-061	415-501-160	RECOD-P	00-08-092	415-501-495	RECOD-P	00-08-092
415- 08	PREP	00-04-061	415-501-160	RECOD	00-11-104	415-501-495	RECOD	00-11-104
415- 10	PREP	00-04-062	415-501-170	RECOD-P	00-08-092	415-501-500	RECOD-P	00-08-092
415-103-215	NEW-P	00-08-085	415-501-170	RECOD	00-11-104	415-501-500	RECOD	00-11-104
415-103-215	NEW	00-11-103	415-501-180	RECOD-P	00-08-092	415-501-510	RECOD-P	00-08-092
415-104-450	NEW-P	00-04-023	415-501-180	RECOD	00-11-104	415-501-510	RECOD	00-11-104
415-104-450	NEW	00-10-017	415-501-190	RECOD-P	00-08-092	415-501-520	RECOD-P	00-08-092
415-108-315	NEW-P	00-04-024	415-501-190	RECOD	00-11-104	415-501-520	RECOD	00-11-104
415-108-315	NEW	00-10-015	415-501-200	RECOD-P	00-08-092	415-501-530	RECOD-P	00-08-092
415-108-710	AMD-W	00-12-027	415-501-200	RECOD	00-11-104	415-501-530	RECOD	00-11-104
415-108-720	AMD-W	00-12-027	415-501-210	RECOD-P	00-08-092	415-501-540	RECOD-P	00-08-092
415-112-025	NEW-W	00-12-027	415-501-210	RECOD	00-11-104	415-501-540	RECOD	00-11-104
415-112-125	AMD-P	00-04-024	415-501-300	RECOD-P	00-08-092	415-501-550	RECOD-P	00-08-092
415-112-125	AMD	00-10-015	415-501-300	RECOD	00-11-104	415-501-550	RECOD	00-11-104
415-112-140	AMD-P	00-04-024	415-501-305	RECOD-P	00-08-092	415-501-560	RECOD-P	00-08-092
415-112-140	AMD	00-10-015	415-501-305	RECOD	00-11-104	415-501-560	RECOD	00-11-104
415-112-145	AMD-P	00-04-024	415-501-310	RECOD-P	00-08-092	415-501-570	RECOD-P	00-08-092
415-112-145	AMD	00-10-015	415-501-310	RECOD	00-11-104	415-501-570	RECOD	00-11-104
415-112-155	AMD-P	00-04-024	415-501-315	NEW-P	00-08-092	415-501-580	RECOD-P	00-08-092
415-112-155	AMD	00-10-015	415-501-315	NEW	00-11-104	415-501-580	RECOD	00-11-104
415-112-330	AMD-P	00-04-024	415-501-320	RECOD-P	00-08-092	415-501-590	RECOD-P	00-08-092
415-112-330	AMD	00-10-015	415-501-320	RECOD	00-11-104	415-501-590	RECOD	00-11-104
415-112-415	AMD-XA	00-08-030	415-501-330	RECOD-P	00-08-092	415-501-600	RECOD-P	00-08-092
415-112-460	AMD-P	00-04-024	415-501-330	RECOD	00-11-104	415-501-600	RECOD	00-11-104
415-112-460	AMD	00-10-015	415-501-340	RECOD-P	00-08-092	415-501-610	RECOD-P	00-08-092
415-112-4605	AMD-P	00-04-024	415-501-340	RECOD	00-11-104	415-501-610	RECOD	00-11-104
415-112-4605	AMD	00-10-015	415-501-350	RECOD-P	00-08-092	415-501-710	RECOD-P	00-08-092
415-112-4608	AMD-P	00-04-024	415-501-350	RECOD	00-11-104	415-501-710	RECOD	00-11-104
415-112-4608	AMD	00-10-015	415-501-360	RECOD-P	00-08-092	415-501-720	RECOD-P	00-08-092
415-112-471	AMD-P	00-04-024	415-501-360	RECOD	00-11-104	415-501-720	RECOD	00-11-104
415-112-471	AMD	00-10-015	415-501-370	RECOD-P	00-08-092	415-504-010	AMD-P	00-08-092
415-112-473	AMD-P	00-04-024	415-501-370	RECOD	00-11-104	415-504-010	DECOD-P	00-08-092

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-504-010	AMD	00-11-104	415-512-050	AMD-P	00-08-092	415-544-010	AMD-P	00-08-092
415-504-010	DECOD	00-11-104	415-512-050	DECOD-P	00-08-092	415-544-010	DECOD-P	00-08-092
415-504-020	DECOD-P	00-08-092	415-512-050	AMD	00-11-104	415-544-010	AMD	00-11-104
415-504-020	DECOD	00-11-104	415-512-050	DECOD	00-11-104	415-544-010	DECOD	00-11-104
415-504-030	DECOD-P	00-08-092	415-512-070	AMD-P	00-08-092	415-548-010	DECOD-P	00-08-092
415-504-030	DECOD	00-11-104	415-512-070	DECOD-P	00-08-092	415-548-010	DECOD	00-11-104
415-504-040	DECOD-P	00-08-092	415-512-070	AMD	00-11-104	415-552-010	AMD-P	00-08-092
415-504-040	DECOD	00-11-104	415-512-070	DECOD	00-11-104	415-552-010	DECOD-P	00-08-092
415-504-050	DECOD-P	00-08-092	415-512-075	AMD-P	00-08-092	415-552-010	AMD	00-11-104
415-504-050	DECOD	00-11-104	415-512-075	DECOD-P	00-08-092	415-552-010	DECOD	00-11-104
415-504-060	DECOD-P	00-08-092	415-512-075	AMD	00-11-104	415-556-010	AMD-P	00-08-092
415-504-060	DECOD	00-11-104	415-512-075	DECOD	00-11-104	415-556-010	DECOD-P	00-08-092
415-504-070	DECOD-P	00-08-092	415-512-080	AMD-P	00-08-092	415-556-010	AMD	00-11-104
415-504-070	DECOD	00-11-104	415-512-080	DECOD-P	00-08-092	415-556-010	DECOD	00-11-104
415-504-080	DECOD-P	00-08-092	415-512-080	AMD	00-11-104	415-560-010	DECOD-P	00-08-092
415-504-080	DECOD	00-11-104	415-512-080	DECOD	00-11-104	415-560-010	DECOD	00-11-104
415-504-090	AMD-P	00-08-092	415-512-085	AMD-P	00-08-092	415-564-010	AMD-P	00-08-092
415-504-090	DECOD-P	00-08-092	415-512-085	DECOD-P	00-08-092	415-564-010	DECOD-P	00-08-092
415-504-090	AMD	00-11-104	415-512-085	AMD	00-11-104	415-564-010	AMD	00-11-104
415-504-090	DECOD	00-11-104	415-512-085	DECOD	00-11-104	415-564-010	DECOD	00-11-104
415-504-100	AMD-P	00-08-092	415-512-086	AMD-P	00-08-092	415-564-020	AMD-P	00-08-092
415-504-100	DECOD-P	00-08-092	415-512-086	DECOD-P	00-08-092	415-564-020	DECOD-P	00-08-092
415-504-100	AMD	00-11-104	415-512-086	AMD	00-11-104	415-564-020	AMD	00-11-104
415-504-100	DECOD	00-11-104	415-512-086	DECOD	00-11-104	415-564-020	DECOD	00-11-104
415-504-110	AMD-P	00-08-092	415-512-087	AMD-P	00-08-092	415-564-030	DECOD-P	00-08-092
415-504-110	DECOD-P	00-08-092	415-512-087	DECOD-P	00-08-092	415-564-040	AMD-P	00-08-092
415-504-110	AMD	00-11-104	415-512-087	AMD	00-11-104	415-564-040	DECOD-P	00-08-092
415-504-110	DECOD	00-11-104	415-512-087	DECOD	00-11-104	415-564-040	AMD	00-11-104
415-508-010	AMD-P	00-08-092	415-512-090	AMD-P	00-08-092	415-564-040	DECOD	00-11-104
415-508-010	DECOD-P	00-08-092	415-512-090	DECOD-P	00-08-092	415-564-050	AMD-P	00-08-092
415-508-010	AMD	00-11-104	415-512-090	AMD	00-11-104	415-564-050	DECOD-P	00-08-092
415-508-010	DECOD	00-11-104	415-512-090	DECOD	00-11-104	415-564-050	AMD	00-11-104
415-508-020	DECOD-P	00-08-092	415-512-095	AMD-P	00-08-092	415-564-050	DECOD	00-11-104
415-508-020	DECOD	00-11-104	415-512-095	DECOD-P	00-08-092	415-564-060	DECOD-P	00-08-092
415-508-030	DECOD-P	00-08-092	415-512-095	AMD	00-11-104	415-568-010	DECOD-P	00-08-092
415-508-030	DECOD	00-11-104	415-512-095	DECOD	00-11-104	415-568-010	DECOD	00-11-104
415-508-040	DECOD-P	00-08-092	415-512-110	AMD-P	00-08-092	415-568-020	DECOD-P	00-08-092
415-508-040	DECOD	00-11-104	415-512-110	DECOD-P	00-08-092	415-568-020	DECOD	00-11-104
415-508-050	AMD-P	00-08-092	415-512-110	AMD	00-11-104	434-219-020	AMD	00-03-003
415-508-050	DECOD-P	00-08-092	415-512-110	DECOD	00-11-104	434-219-120	AMD	00-03-003
415-508-050	AMD	00-11-104	415-524-010	AMD-P	00-08-092	434-219-160	AMD	00-03-003
415-508-050	DECOD	00-11-104	415-524-010	DECOD-P	00-08-092	434-219-160	AMD-E	00-03-036
415-512-010	AMD-P	00-08-092	415-524-010	AMD	00-11-104	434-219-165	NEW	00-03-003
415-512-010	DECOD-P	00-08-092	415-524-010	DECOD	00-11-104	434-219-170	NEW	00-03-003
415-512-010	AMD	00-11-104	415-528-010	DECOD-P	00-08-092	434-219-180	AMD	00-03-003
415-512-010	DECOD	00-11-104	415-528-010	DECOD	00-11-104	434-219-185	NEW	00-03-003
415-512-015	AMD-P	00-08-092	415-532-010	AMD-P	00-08-092	434-219-210	AMD	00-03-003
415-512-015	DECOD-P	00-08-092	415-532-010	DECOD-P	00-08-092	434-219-220	AMD	00-03-003
415-512-015	AMD	00-11-104	415-532-010	AMD	00-11-104	434-219-230	AMD	00-03-003
415-512-015	DECOD	00-11-104	415-532-010	DECOD	00-11-104	434-219-240	AMD	00-03-003
415-512-020	AMD-P	00-08-092	415-532-020	AMD-P	00-08-092	434-219-250	AMD	00-03-003
415-512-020	DECOD-P	00-08-092	415-532-020	DECOD-P	00-08-092	434-219-255	NEW	00-03-003
415-512-020	AMD	00-11-104	415-532-020	AMD	00-11-104	434-219-260	AMD	00-03-003
415-512-020	DECOD	00-11-104	415-532-020	DECOD	00-11-104	434-219-270	AMD	00-03-003
415-512-030	AMD-P	00-08-092	415-536-010	AMD-P	00-08-092	434-219-280	AMD	00-03-003
415-512-030	DECOD-P	00-08-092	415-536-010	DECOD-P	00-08-092	434-219-280	AMD-E	00-05-093
415-512-030	AMD	00-11-104	415-536-010	AMD	00-11-104	434-219-285	NEW	00-03-003
415-512-030	DECOD	00-11-104	415-536-010	DECOD	00-11-104	434-219-290	AMD	00-03-003
415-512-040	AMD-P	00-08-092	415-540-010	AMD-P	00-08-092	434-219-300	NEW	00-03-003
415-512-040	DECOD-P	00-08-092	415-540-010	DECOD-P	00-08-092	434-219-310	AMD	00-03-003
415-512-040	AMD	00-11-104	415-540-010	AMD	00-11-104	434-219-320	AMD	00-03-003
415-512-040	DECOD	00-11-104	415-540-010	DECOD	00-11-104	434-230-170	AMD-S	00-07-052

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-230-170	AMD	00-11-042	434-663-400	AMD-P	00-04-083	458- 20-136	AMD-P	00-04-029
434-230-210	AMD-S	00-07-052	434-663-400	DECOD-P	00-04-083	458- 20-136	AMD	00-11-096
434-230-210	AMD	00-11-042	434-663-405	NEW-P	00-04-083	458- 20-13601	NEW-E	00-04-026
434-230-220	NEW-S	00-07-052	434-663-410	AMD-P	00-04-083	458- 20-13601	NEW-P	00-04-029
434-230-220	NEW	00-11-042	434-663-410	DECOD-P	00-04-083	458- 20-13601	NEW	00-11-096
434-240-202	NEW-E	00-03-036	434-663-420	AMD-P	00-04-083	458- 20-18801	PREP	00-08-072
434-257	AMD-E	00-04-010	434-663-420	DECOD-P	00-04-083	458- 20-195	PREP	00-08-110
434-257-010	AMD-E	00-04-010	434-663-430	AMD-P	00-04-083	458- 20-195	AMD-P	00-12-075
434-257-020	AMD-E	00-04-010	434-663-430	DECOD-P	00-04-083	458- 20-217	PREP	00-05-073
434-257-030	AMD-E	00-04-010	434-663-440	AMD-P	00-04-083	458- 20-217	AMD-P	00-12-038
434-257-050	REP-E	00-04-010	434-663-440	DECOD-P	00-04-083	458- 20-228	AMD	00-04-028
434-257-070	AMD-E	00-04-010	434-663-450	DECOD-P	00-04-083	458- 20-238	PREP	00-10-115
434-257-080	REP-E	00-04-010	434-663-460	REP-P	00-04-083	458- 20-239	AMD-XA	00-05-015
434-257-090	AMD-E	00-04-010	434-663-470	REP-P	00-04-083	458- 20-239	AMD	00-09-092
434-257-100	AMD-E	00-04-010	434-663-480	REP-P	00-04-083	458- 20-261	AMD-XA	00-03-001
434-257-120	REP-E	00-04-010	434-663-490	AMD-P	00-04-083	458- 20-261	AMD	00-11-097
434-257-130	AMD-E	00-04-010	434-663-490	DECOD-P	00-04-083	458- 30-200	PREP	00-05-074
434-257-150	AMD-E	00-04-010	434-663-510	REP-P	00-04-083	458- 30-200	AMD-P	00-11-026
434-262-080	AMD-P	00-05-095	434-663-520	REP-P	00-04-083	458- 30-275	PREP	00-05-074
434-262-080	AMD	00-10-010	434-663-530	AMD-P	00-04-083	458- 30-275	AMD-P	00-11-026
434-262-110	AMD-P	00-05-095	434-663-600	AMD-P	00-04-083	458- 30-285	PREP	00-05-074
434-262-110	AMD	00-10-010	434-663-610	AMD-P	00-04-083	458- 30-285	AMD-P	00-11-026
434-262-120	AMD-P	00-05-095	434-663-620	AMD-P	00-04-083	458- 30-295	PREP	00-05-074
434-262-120	AMD	00-10-010	434-663-640	NEW-P	00-04-083	458- 30-295	AMD-P	00-11-026
434-334-090	AMD-P	00-05-094	434-663-700	RECOD-P	00-04-083	458- 30-300	PREP	00-05-074
434-334-090	AMD	00-10-009	434-663-710	RECOD-P	00-04-083	458- 30-300	AMD-P	00-11-026
434-334-110	AMD-P	00-05-094	434-663-720	RECOD-P	00-04-083	458- 30-305	PREP	00-05-074
434-334-110	AMD	00-10-009	434-663-730	RECOD-P	00-04-083	458- 30-305	AMD-P	00-11-026
434-334-127	NEW-P	00-05-094	434-663-740	RECOD-P	00-04-083	458- 30-310	PREP	00-05-074
434-334-127	NEW	00-10-009	434-663-750	RECOD-P	00-04-083	458- 30-310	AMD-P	00-11-026
434-334-140	AMD-P	00-05-094	434-663-760	RECOD-P	00-04-083	458- 30-315	PREP	00-05-074
434-334-140	AMD	00-10-009	434-663-770	NEW-P	00-04-083	458- 30-325	PREP	00-05-074
434-334-160	AMD-P	00-05-094	434-663-780	NEW-P	00-04-083	458- 30-325	AMD-P	00-11-026
434-334-160	AMD	00-10-009	437- 20-010	NEW-C	00-07-124	458- 30-350	PREP	00-05-074
434-334-165	AMD-P	00-05-094	437- 20-010	NEW-W	00-11-050	458- 30-700	PREP	00-09-085
434-334-165	AMD	00-10-009	437- 20-010	NEW-C	00-11-051	458- 30-710	PREP	00-09-085
434-381	PREP	00-09-027	437- 20-010	NEW	00-11-052	458- 40-060	PREP	00-08-109
434-381-010	REP-E	00-09-028	440- 44-025	PREP	00-10-062	458- 40-650	PREP	00-08-108
434-381-020	REP-E	00-09-028	440- 44-026	PREP	00-10-061	458- 40-660	PREP	00-06-053
434-381-030	REP-E	00-09-028	440- 44-028	REP	00-07-045	458- 40-660	AMD-P	00-10-055
434-381-040	REP-E	00-09-028	446- 30-010	AMD	00-02-069	458- 61-230	AMD-P	00-04-055
434-381-050	REP-E	00-09-028	446- 85-005	NEW-P	00-06-037	458- 61-230	AMD	00-09-002
434-381-060	REP-E	00-09-028	446- 85-005	NEW	00-10-092	460- 21C-005	NEW-P	00-02-068
434-381-070	REP-E	00-09-028	446- 85-010	NEW-P	00-06-037	460- 21C-005	NEW	00-05-055
434-381-080	REP-E	00-09-028	446- 85-010	NEW	00-10-092	460- 21C-010	NEW-P	00-02-068
434-381-090	REP-E	00-09-028	458- 12-315	REP-P	00-05-033	460- 21C-010	NEW	00-05-055
434-381-100	REP-E	00-09-028	458- 12-315	REP	00-09-003	460- 21C-020	NEW-P	00-02-068
434-381-110	NEW-E	00-09-028	458- 12-320	AMD-P	00-05-033	460- 21C-020	NEW	00-05-055
434-381-120	NEW-E	00-09-028	458- 12-320	AMD	00-09-003	460- 21C-030	NEW-P	00-02-068
434-381-130	NEW-E	00-09-028	458- 16-080	AMD-P	00-05-032	460- 21C-030	NEW	00-05-055
434-381-140	NEW-E	00-09-028	458- 16-080	AMD	00-09-004	460- 21C-040	NEW-P	00-02-068
434-381-150	NEW-E	00-09-028	458- 16-081	REP-P	00-05-032	460- 21C-040	NEW	00-05-055
434-381-160	NEW-E	00-09-028	458- 16-081	REP	00-09-004	460- 44A-500	AMD	00-04-094
434-381-170	NEW-E	00-09-028	458- 16A-010	AMD-P	00-06-073	460- 44A-504	AMD	00-04-094
434-381-180	NEW-E	00-09-028	458- 16A-010	AMD	00-09-086	460- 46A-010	REP	00-04-095
434-663-100	AMD-P	00-04-083	458- 16A-020	AMD-P	00-06-073	460- 46A-020	REP	00-04-095
434-663-270	NEW-P	00-04-083	458- 16A-020	AMD	00-09-086	460- 46A-025	REP	00-04-095
434-663-280	NEW-P	00-04-083	458- 20-135	AMD-E	00-04-026	460- 46A-030	REP	00-04-095
434-663-300	AMD-P	00-04-083	458- 20-135	AMD-P	00-04-029	460- 46A-040	REP	00-04-095
434-663-305	NEW-P	00-04-083	458- 20-135	AMD	00-11-096	460- 46A-050	REP	00-04-095
434-663-310	AMD-P	00-04-083	458- 20-13501	PREP	00-04-027	460- 46A-055	REP	00-04-095
434-663-320	AMD-P	00-04-083	458- 20-136	AMD-E	00-04-026	460- 46A-061	REP	00-04-095

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460-46A-065	REP	00-04-095	478-324-120	AMD	00-04-039	480-66-440	NEW	00-04-011
460-46A-071	REP	00-04-095	478-324-130	AMD	00-04-039	480-66-450	NEW	00-04-011
460-46A-072	REP	00-04-095	478-324-140	AMD	00-04-039	480-66-460	NEW	00-04-011
460-46A-090	REP	00-04-095	478-324-150	AMD	00-04-039	480-66-470	NEW	00-04-011
460-46A-091	REP	00-04-095	478-324-170	AMD	00-04-039	480-66-480	NEW	00-04-011
460-46A-092	REP	00-04-095	478-324-180	AMD	00-04-039	480-66-490	NEW	00-04-011
460-46A-095	REP	00-04-095	478-324-190	AMD	00-04-039	480-66-500	NEW	00-04-011
460-46A-100	REP	00-04-095	478-324-200	AMD	00-04-039	480-66-510	NEW	00-04-011
460-46A-105	REP	00-04-095	478-324-210	AMD	00-04-039	480-66-520	NEW	00-04-011
460-46A-110	REP	00-04-095	480-15-010	AMD-P	00-09-079	480-66-600	NEW	00-04-011
460-46A-115	REP	00-04-095	480-15-020	AMD-P	00-09-079	480-66-620	NEW	00-04-011
460-46A-145	REP	00-04-095	480-15-030	REP-P	00-09-079	480-80-335	AMD-P	00-11-044
460-46A-150	REP	00-04-095	480-15-035	NEW-P	00-09-079	480-110-255	AMD-S	00-11-043
460-46A-155	REP	00-04-095	480-15-260	AMD-P	00-09-079	480-120-071	AMD-P	00-10-086
460-46A-160	REP	00-04-095	480-15-490	AMD-P	00-09-079	480-120-139	AMD	00-03-047
460-46A-165	REP	00-04-095	480-15-560	AMD-P	00-09-079	480-120-990	NEW-S	00-07-047
468-14-010	REP-XR	00-07-027	480-15-570	AMD-P	00-09-079	495A-120-010	REP	00-11-148
468-14-010	REP	00-11-133	480-15-620	AMD-P	00-09-079	495A-120-020	REP	00-11-148
468-14-020	REP-XR	00-07-027	480-15-650	AMD-P	00-09-079	495A-120-030	REP	00-11-148
468-14-020	REP	00-11-133	480-15-660	AMD-P	00-09-079	495A-120-040	REP	00-11-148
468-14-030	REP-XR	00-07-027	480-15-740	AMD-P	00-09-079	495A-120-041	REP	00-11-148
468-14-030	REP	00-11-133	480-60-010	AMD	00-04-011	495A-120-042	REP	00-11-148
468-14-040	REP-XR	00-07-027	480-60-012	NEW	00-04-011	495A-120-043	REP	00-11-148
468-14-040	REP	00-11-133	480-60-014	NEW	00-04-011	495A-120-045	REP	00-11-148
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